



REPORT OF POLICE ATROCITIES AGAINST TIBETAN PROTESTORS

ABSTRACT

Police Atrocities on Tibetan Protestors in Tamil Nadu during the visit of the Chinese President.

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THE PROTEST IN EXILE

On the visit of Chinese President Xi Ji Ping on 11th -12th October 2019 to India, Tibetan activists approached HRLN Delhi office for legal assistance as their protest in Chennai, under the fear of police action against them. On 5th October 2019, the prominent Tibetan activist and writer [REDACTED] was arrested from a hotel at Kottakuppam in Villupuram district. At the time of his arrest, [REDACTED] had been reportedly carrying 'Free Tibet' pamphlets and a 'Free Tibet' flag, which he had planned to display at the protest during the visit of Chinese President. He was sent to the Puzhal Jail at Chennai in the middle of the night.

On 6th October, the Selaiyur police arrested 8 Tibetan activists representing the Members of Tibetan Students Association of Madras (TSAM), Tibetan Youth Congress (TYC), and Students for a Free Tibet (SFT). One of the activists contacted us prior to the arrest and informed us that they were being arrested from their residence. The police without any search warrant started searching their house and asked them to show their Identity cards. For few hours the Tibetan Activists and students were illegally confined in the house and later without informing them, taken to an undisclosed location.

Once we received the information, we immediately contacted the local advocates from Chennai and asked them to provide the necessary legal aid. Thereafter, the local advocates started searching their whereabouts at different police stations. They also contacted the higher officials but no information was given to them

regarding the 8 Tibetans. The police had framed them in a false case, alleging that they were organizing a protest in the middle of the road and damaging public transport.

On the same day two advocates from HRLN Delhi immediately planned out a strategy and left for Chennai next day early morning. Ms. Tenzin Chodon, and Mr. Arun Kasi, native of Tamil Nadu reached Chennai on the morning of the 7th of October.

In order to move a bail application, it was our first task was to find out the whereabouts of the Tibetan activists and students. We approached a High Court Advocate, Mr. Rajnikanth and President of Tamil Nadu Progressive Lawyers Association. He eagerly helped us along with his team of lawyers from the very first day and assisted us in tracking the location of the arrested activists. Due to continuous festive holidays, we could not get permission to meet the arrestees in Jail. In the meanwhile, we received several calls from students studying in Madras Christian College saying that police personnel had come to their college hostel and took them to Selaiyur police station in a bus. It was the same police who arrested those eight activists previously.

No sooner did we received the message from Tibetan students that we rushed to the above mentioned police station along with a local Advocate from Mr. Rajnikanth's office. We saw around 15 students were standing inside the police premises. It gave those students a ray of hope and comfort when they saw that

one of the advocates was from their community. When we spoke to the students we got to know that they were kept in the police station for more than 5 hours, without any proper explanation. They were also not allowed to take their practical examination and the police threatened them by saying that “If any of you protest on the day of Chinese President arrival, you will face the consequences”. Later, we intervened and spoke to the Inspector and conveyed that this detention was detention and mental harassment of the students especially during their examination times and the same is against the law. Though they were released after a while, they were under constant police surveillance till the Chinese President’s visit to India came to an end.

Once the students were released after our persuasion then we asked for the details of the FIR of those arrested on 6th October 2019. Though the Tamil Nadu Police usually uploads the FIR on the same day but the cases related to Tibetans during the Chinese President’s arrival were not uploaded. A copy of the FIR is required according to the Indian Criminal Law to move a bail application, “the person arrested without warrant shall be immediately informed of the grounds of his arrest, and if the arrest is made in a bailable case, the person shall be informed of his right to be released on bail” but none of the procedures required by the CrPC was followed. After an hour-long talk with the officers in Selaiyur police station we finally managed to get the copy of FIR.

Next day, on 8th October 2019, we along with another High Court advocate Mr. Thirumoorthy approached the Chief Justice of the High Court to apprise the urgent matter but he was on leave for a week. We approached the acting Chief Justice, at his residence for the same, but unfortunately we were informed that he had left for his native place. Then we went to the office of Registrar General of Madras High Court, to list the matter before the Vacation bench, but further add to our dismay he too was on leave. Then we decided to move the bail application before the Tambaram Judicial Magistrate court.

The strategy of the arresting and detaining the Tibetan students seem to be perfectly weaved by the police officials to curb the voice of the protesters. The situation became increasingly grave when the state police started apprehending all the Tibetan students, the police also began apprehending students from different states in the North East of India due to similarity of facial features.

A panic call had come to us from the students saying that 13 students were taken to the Commissioner's office. Without wasting any moment we rushed to the Commissioner's office but to our surprise, none of the students were found there. After a bit of investigation at the Commissioner's office, it came to our knowledge that they have been taken to the Joint Commissioner's office instead. The police officials had a list of 25 Tibetan students of which thirteen were apprehended. So we asked for a client meeting and pressurized the police officials for the same.



Professor Dr Ramu Mannivanum HOD from the Department of Politics and Public Administration, Madras University was an immense help to the students. His presence had been a great support and strength for the students to withstand the situation. Along with Prof. Dr Ramu and his wife, we were at the Police station till midnight waiting for the Joint Commissioner to come. The situation was stressful for the students who had their midterm examination the next day.

To further intimidate students and prevent their participation in the protest, the police also called the landlords of the students. We spoke to the landlords and intimated them of the situation requesting them not to evict the students. They were kind enough to understand the situation and supported the students when

they needed them the most. We confronted the officials regarding their stringent actions against students that not only hampered their studies but also affected the mental health of the students. We raised the issue of the postponement of the mid-term examination of the detainees, to which the Joint Commissioner managed to persuade the college to postpone the same. Though the students were released at midnight after the formalities they were kept under constant watch.

The challenging situation for us was that the activists were arrested at the different districts of the State and the matter had to be heard in their respective jurisdiction. In such circumstances, the local lawyers proved to be extremely useful and they an immense help, where they offered their legal assistance without any fees. The matters were at different District Courts: Tambaram, Alandur, Thindivanam and Chengelpettu. As we had to appear in the different courts at the same time, so my colleague and I divided our responsibilities with the help of the local lawyers.

We visited the Puzhal Jail several times in the 10 days of our stay so as to keep a check on their health, closely watch any police atrocities and also to show our solidarity with them. The activists were unsure about their future, whether someone would be come to assist them in their release, but our visit gave them tremendous hope and strength to them in the prison.

On 9th October 2019, we moved the bail application for an urgent hearing in the Tambaram district court for the eight activists who were arrested from their residence, along with Advocate Thirumoorthy. According to Tamil Nadu Court

Rules, the matter can be heard on the third day from the date of filing, but considering the urgency, wherein the Tibetan students who had their semester examination, the matter was allowed to be listed on the next day. We requested a supporting letter from the College specifying the dates of the midterm examination, which was denied by the college. Later the college provided a letter to the police stating that the college will postpone the exams for those who were in judicial custody.

We were being contacted everyday with information about different Tibetans being put under preventive detention and arrests of Tibetans in different districts in Tamil Nadu. On the evening of the 9th of October, we got to know that a Tibetan Assistant Professor from Chennai, who teaches in one of the private colleges was arrested under the apprehension that he would join the protests as well, and was sent to judicial custody at Puzhal Central Jail. We moved a bail application before the Alandur Magistrate Court, Chennai the very next day (10th October 2019), with the help Advocate Mr. Peramaiyan and Mr. Prabhakar. The court heard the matter and reserved for an order on 14th October 2019, on which the court issued bail to the Tibetan Assistant Professor.



On the very same day we also received information that 4 Tibetan students from Mysore District, Karnataka belonging to Tibetan Youth Congress were detained at Kelambakkam police station, Kancheepuram District, Tamilnadu. We got in touch with a local advocate, Mr. Stalin who was residing near the police station, to provide the legal assistance. The police was reluctant to give any information about them. After an hour long talk with the senior police officials we came to know that they were arrested on under the apprehension that they would be showing the Tibetan Flag and placards regarding slogans of Free Tibet protest on the day of the Chinese President arrival. Similarly to the earlier case, we moved application for bail on the 11th October 2019, before the Chengalpattu Magistrate Court, Kancheepuram District, Tamil Nadu with the help of Advocate Mr. Ashok and Mr. Manoj Kumar. The court heard the matter and reserved for an order on 14th October 2019, similar to the earlier case the court issued bail to the four arrested Tibetans.

During this period the Saleiyur police had added a few more offences in order to delay the bail of those 8 activists who had been detained on the 6th of October. Subsequently the court, on technical grounds, adjourned the matter till 14th October. The Tibetan Students Association of Madras and the local students of Madras University had attended every hearing no matter how long it took, they stood up and showed their solidarity.

██████████ matter was listed at the Villupuram court, which was 133 km away from Chennai. The bail application was moved at the Thindivannam District Court.

When we were at the Puzhal Prison for a client meeting, it was informed by one of the activists that the two students from Bangalore have been taken into police custody at the Koyambedu Bus Stand Police station. The students had come to join the protest against the Chinese President's visit. My colleague and I rushed to the location, where the police at first resisted giving any information about the said arrest. We asked for the immediate release of the students as the detention was preventive in nature. On the other hand, the police promised that they would send the students back only if we do not go to the Court. We had an opportunity to meet the two students and took their details. Later, the students were sent back to Bengaluru without any charges against them.



On 11th October, the Tamil Nadu Police detained 11 Tibetan activists for demonstrating against the Chinese President. We were at the Tambaram Court where the police informed us that five Tibetan people were arrested by the Police while staging a protest outside the hotel ITC Grand Chola where Chinese President was suppose to stay. 6 Tibetans were protesting outside the Chennai Airport, prior to the arrival of the Chinese President. Two Tibetan journalists and a monk were detained as soon as they stepped down from the train at Chennai Central Railway Station. But none of them, including those who were in judicial custody, were tortured or abused in any manner by the police officials.

Due to the restriction in movement of public transport and other private vehicles on the arrival of Chinese President, we both were stuck at the Tambaram Court. We passed on the details and information to Advocate Rajinikanth and Mr. Prabhakar to give the detained Tibetans necessary legal aid. The local advocates

reached the police station and enquired about the detention. But police was extremely reluctant to divulge anything about those detained.



On 12th October 2019, my colleague and I went to the Saidapet Police Station to seek the release of the 6 detainees who protested in front of the ITC Grand Hotel on the arrival of the Chinese President. Subsequently, they were released on the bond and surety given by us. After that, we headed to the Flower Market Police station to seek release for the two journalists and the monk. On the same day, we managed to obtain bail from all the different District Courts for the activists who were in judicial custody. The police dropped the charges against [REDACTED]

On 14th October 2019, we had to produce at least 16 sureties for bail to the Court since the Tibetan activists were mostly from other states, it could have been a huge problem bailing them out of prison without any help. But the Tibetan students and Indian students of Madras University stepped in and offered their help till the end. The students played a major role in defending the defenders by offering help in any which way they could.

On 15th October 2019, we went to the Prison with the bail order for three Tibetan students who were tried at Chengalpattu Court. Usually, the bail orders are sent from the court via post but to speed up the process we personally took the bail order to the Jail with us. Because of which the Jailor took moments to verify the bail order from the Court. In the meanwhile, the bail orders of the other nine arrestees had also arrived. So eventually, after completing the formalities they all were released. Since [REDACTED] release order had not reached, the release was not possible on the same day. However, he was released on the next day that is 16th October.



Conclusion:

In the struggle of ‘Defending the Defenders’, would not be possible without the constant guidance, support, proactive and timely action rendered by different individuals as the different arrests and detentions were occurring simultaneously in different districts of Tamil Nadu. To name a few, Professor Dr Ramu Mannivanum, Advocate Rajnikanth, Advocate Thirumurthy, Advocate John Joseph, Advocate Peramaiyan, Advocate Prabhakar, Advocate Ashok, Advocate Manoj Kumar, Advocate Stalin, Tibetan Student Association of Madras and Student of Madras University. Without the support of these kind souls, the struggle would have faced tough situations. Their courageous action and solidarity had made things more feasible, approachable and seamless for us.