

**FACT FINDING MISSION INTO THE ENCOUNTER KILLING OF 20
PEOPLE IN SESHACHALAM FORESTS BY THE ANDHRA PRADESH
SPECIAL TASK FORCE ON 7TH APRIL, 2015**

[Commissioned by People's Watch]

14TH AND 15TH APRIL, 2015

INTERIM REPORT

21ST APRIL, 2015

A High Level Fact Finding Team led by **Justice Hosbet Suresh**, formerly Judge of the Bombay High Court and members consisting of **Shri Satyabrata Pal**, former member of the NHRC, **Shri E.N. Rammohan**, former DGP of the BSF, **Dr. Professor. Jawahirullah**, current Ramnad MLA from Tamil Nadu, **Advocate B.S. Ajeetha** from the Madras High Court and **Dr. Savior Selva Suresh**, Professor of Forensic Medicine, Vellammal Medical College Hospital and Research Centre, Madurai undertook the fact finding mission. The Executive Director of People's Watch, **Shri Henri Tiphagne**, the Director Programs of People's Watch. **Shri Mathew Jacob** and other staff of People's Watch and **Dr. Perumal Krishnamoorthy** of the Working Group on Human Rights in India and UN, New Delhi accompanied and assisted the fact finding team.

CONTENTS

S.No		Page
1.	Executive Summary	01
2.	Details of the Fact Finding Mission	05
3.	Brief statement of eye witnesses	10
4.	Further visits of the fact finding team	12
5.	Observations of the Fact Finding Team	13
6.	Interim Recommendations	23
7.	Annexure 01-Preliminary Fact Finding Intimation letter to TN & AP Govt. Officials	28
8.	Annexure02-Preliminary Fact Finding Report	32
9.	Annexure 03 - Video transcription of Senior Retired Forensic Scientist – Dr. Chandrashekhara	37
10.	Annexure04-Statement of Eye witness Paramatha Sekhar	39
11.	Annexure05-Statement of Eye witness Sitherimalai Balachandran	42
12.	Annexure06-Statement Eye witness Ilangovanvan	46
13.	Annexure07-Visit to Victim's Villages	48
14.	Annexure 08-PW-AP-Encounter case-High level FF-Intimation-TN, AP Officials & NHRC	58
15.	Annexure09-Photographs of forest officials in mufti	64
16.	Annexure-10-DIG's earlier views published in newspaper.docx	65
17.	Annexure11-Photographs of APRS STF HQ and Office of DFO Campus with Several vehicles and with High Grills	66
18.	Annexure12-Photographs of the EICHER Van	71
19.	Annexure13-Photograph of one victim in a van published in Tamil Magazine ' <i>Junior Vikatan</i> ' dated 19.4.2015.	72

1.EXECUTIVE SUMMARY

From the 7th April, the media started to carry reports that 20 men from Tamil Nadu had been killed earlier that day in an encounter in the Seshachalam forest in Andhra Pradesh, where, according to the State police, they were cutting down red sander trees and had attacked policemen and foresters of the anti-smuggling task force. The following statement attributed to Dr. M. Kantha Rao, DIG of the AP Red Sanders Anti-Smuggling STF carried in the newspapers, set out what had happened:

“As soon as they saw police, at least 150 to 200 labourers, hired by the smugglers, rained stones, shot arrows and threw sticks and iron rods. They hid behind boulders and attacked. At least eight forest officers were injured and the task force opened fire in self-defense. At least 20 were killed. They are hired daily wagers from Tamil Nadu. We believe they had been camping here since Monday evening. The exchange started at 5 am and continued for about an hour.”

A team of human rights activists from People’s Watch (comprising of Ms. Palaniammal, Adv, Aseervatham and Mr. Senthil Raja accompanied by members of the Citizens for Human Rights Movement (CHRM) from Vellore, Thiruvannamalai, Dharmapuri and Namakkal Districts) immediately set out on 7th April itself, to conduct a preliminary fact finding into the incident. The Governments and concerned officials of Andhra Pradesh and Tamil Nadu were duly intimated about the same. The copy of the intimation sent is Annexure 1. During the fact finding mission, the People’s Watch team visited the scene of the alleged encounter, the concerned police stations, hospitals and post-mortem centres as well as the villages that the deceased victims belonged to and met with the family members of the victims. The findings of the fact finding team completely challenges the State’s claim of the alleged cutting down of red sanders tree and attack on policemen and foresters of the anti-smuggling task force. (Details of the same are mentioned in the report – Annexure 2).

Many facts that have since emerged, seriously contest the ‘encounter’ version of the AP police – only 9 members of the STF had sustained any serious injury; bullet marks have been found on the neck and upper part of the torso of the deceased; bullet marks are indicative of the deceased having been shot from close range; many

of the bodies bear marks on the limbs which indicate the victims limbs were tied with ropes; the red sanders logs found at the site of the offence already bear the government stamp and number in white colour as in done in the case of logs only after being seized and stored in the godowns belonging to the Forest Department. Several media reports, photographs, other fact finding missions and opinions of the forensic experts (Annexure 3 – Video transcription of Senior Retired Forensic Scientist – Dr. Chandrashekharan) have also raised serious questions challenging the genuineness of the ‘encounter’. Further, the police version that the deceased were armed with stones, sickles and axes, reinforces that the police firing did not respect the “principles of necessity and proportionality”, which must guide the use of force by law enforcing personnel.

The NHRC in its *‘guidelines/procedures to be followed in cases of deaths caused in police action’* issued in 2003 and revised in May 2010 clearly state the need for encounter killings by the police to be investigated by an independent investigation agency and mandate for a magisterial enquiry to be held within three months. The guidelines also prescribe the manner in which the post-mortem examination is to be conducted. The guidelines’ specifically state that all deaths in police action shall be reported to the NHRC by the Senior Superintendent of Police/ Superintendent of Police within 48 hours. These guidelines have been upheld and reiterated by the Hon’ble Supreme Court of India in *PUCL v. State of Maharashtra (2014) 10 SCC 635*. The *‘UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials’* lays down detailed guidelines on instances of encounter killings. It clearly directs the police officials to exercise restraint in use of force and firearms and act in proportion to the seriousness of the offence and the legitimate objective to be achieved causing minimum damage and injury, and respect and preserve human life.

The statements of the two witnesses [Paramatha Sekhar (Annexure 4) and Sitherimalai Balachandran (Annexure 5)], who have been presented before the National Human Rights Commission in New Delhi on 13th April and the third witness [Ilangoanvan (Annexure 6)] presented before the Joint Registrar of the Hon’ble NHRC in Pondicherry on 15th April, prima facie demonstrate that this incident is one of abduction (illegal arrest and arbitrary detention), torture (custodial torture) and cold blooded murder (extra-judicial killing) by the AP Police. From their statements, it

becomes clear that the victims were initially abducted by Police officials, and then tortured and murdered while in custody, after which their bodies were most probably placed at the scene of offence to give the appearance of an encounter conducted in self-defence. Ilangovan's statement deposed before our fact finding team and the Hon'ble Commission confirms the venue of torture and execution to be the compound shared by the DFO and DIG of the AP Red Sanders Anti-Smuggling STF (APRS-STF). It has to be noted that the DIG Dr. M. Kanta Rao has his office cum residence provided in the same compound, as admitted by him to the team.

The family members (mostly young women in their 20s) of the deceased victims (refer to Annexure-7 for victims' family members' version), killed by the APRS-STF, have condemned the State's claim that the deceased men were involved in the cutting down of red sander trees that particular day. In the lookout for employment because of absolute poverty, due to complete failure of state supported schemes like MGNAREGA in their particular region for over a year, small land holdings and hilly terrain, they migrated to the coffee estates in Karnataka and Kerala. For masonry and coolie work, people also migrated to larger cities like Chennai and Pondicherry.

18 family members of the deceased victims residing in villages separated from each other by considerable distances, while deposing independently before the fact finding team members, narrated that the deceased men left their respective villages located in Tiruvannamalai district only in the afternoon of 6th April and those residing in villages of Dharmapuri district left their respective villages only in the evening of 5th April and resided at another place for that night. Ilangovan's testimony confirms the same. The AP Police has claimed the encounter occurred in the early hours on 7th April. Given that the deceased started travelling from their villages only after 1 PM on 6th April, in no circumstances could they have travelled a distance of almost 300 kms, using various modes of transportation and walking taking atleast 12 hours, cutting the red sanders trees and then carrying it to the alleged "encounter spot" which is 3 kms away from the actual forest.

It is also important to note that the bodies were left in the open under the sun for more than 14 hours if the police version and hospital records can be relied upon, raising questions of the intention behind the delay which certainly would have destroyed crucial evidences related to the case. The SV Medical College staff mentioned to the fact finding team members that the injured policemen (only minor

injuries with blunt objects) arrived at the hospital on 7th April at 11:30 AM while the bodies of the 20 deceased arrived only from 8:30 PM to 11 PM on the same day. The fact finding team is of the opinion, it would have been possible to save lives if after the alleged encounter the injured were immediately given medical attention. It was also told by the *Panchayat* Presidents in the respective villages to the fact finding team that more than a thousand people are languishing in the different prisons in Andhra Pradesh under charges of being red sanders cutters. There has been no information available about middlemen and the big mafias being arrested and in the jail but only the poor workers.

It goes without saying that in a democracy like India, run by the rule of law, the presumption must be that the police would not kill citizens arbitrarily. Both domestic laws and international standards accepted by India lay down very clear guidelines for the use of firearms and of lethal force by the law enforcement officials. The fact, or the suspicion, that a man or men are criminals, or might be committing a crime, does not permit the police to kill the suspects. There must be a very clear and immediate danger to the lives of the policemen concerned, or to the general public. And even in circumstances when the use of firearms is justified, shooting to kill is the last resort for law enforcement officials who are expected to be trained to disable and arrest violent suspects by aiming below the waist. The killing therefore of 20 men without a criminal record or history of violence, whom the DIG himself described as labourers, was both extraordinary and a matter of grave concern. There has been an outcry in the media. The Supreme Court of India, the Madras and Andhra Pradesh High Courts have taken cognizance of this incident, as has the National Human Rights Commission, *suo-moto* and on an urgent complaint made by People's Watch numbered as Case No. 474/1/3/2015/AFE.

While both High Courts and the NHRC have passed interim orders, People's Watch believed it might be helpful to these judicial and quasi-judicial processes to have facts collected and analysed by individuals without any interest in this incident other than to see the truth emerge. At its invitation, Justice Hosbet Suresh, formerly Judge of the Bombay High Court, Shri Satyabrata Pal, former member of the NHRC, Shri E.N. Rammohan, former DGP of the BSF, Dr. Professor. Jawahirullah, current Ramnad MLA from Tamil Nadu, Advocate B.S. Ajeetha from the Madras High Court and Dr. Savior Selva Suresh, Professor of Forensic Medicine, Vellammal Medical

College Hospital and Research Centre, Madurai undertook the fact finding mission. Justice H. Suresh was the Convenor of the team. The Executive Director of People's Watch, Shri Henri Tiphagne, the Director Programs of People's Watch. Shri Mathew Jacob and other staff of People's Watch and Dr. Perumal Krishnamoorthy of the Working Group on Human Rights in India and UN, New Delhi accompanied and assisted the fact finding team.

2.DETAILS OF THE FACT FINDING MISSION

A prior intimation regarding the visit of the above mentioned team for fact finding on 14th and 15th April, into the encounter killing of 20 persons was given to various authorities and the same was received by them and were acknowledged by most of them(Annexure 8). The team commenced its mission at 6 AM from Chennai on 14th April. Since the 20 deaths took place in Andhra Pradesh, the team began its work with a visit there. As an impartial and thorough enquiry must, the team had wanted to present all sides of the story, and above all to give officials of the Andhra Pradesh Government every opportunity to refute or clarify points which cast doubts on their claims. Hence the team proposed to visit the officials in AP first and the spot where the 'encounter' is alleged to have taken place.

At 10 AM on 14th April, the fact finding team reached Nagari Police Station (AP-Chittoor District) and met the SHO. He mentioned that he had been asked by the SP Chittoor on the morning of 8th April (that's how he claims that he got to know formally about the encounter) to check buses to Tamil Nadu, on which men who had escaped from the encounter might be returning. He had done so, but his constables had found none. When asked about the parameters for identifying the red sanders cutters, he explained that they look for symptoms on hands and suspect people in groups and question them. As a practice, people accompanied by women and families are not stopped. According to him, no one was arrested on 6th and 7th April in the Nagari circle. In a year, there are a minimum of 100 FIRs relating to smuggling of red sanders wood. He further mentioned that once the cutters enter the forests, they stay there for weeks and come prepared with food and required materials which also are supplied from local villages. He claimed to be newly appointed in the concerned police station and hence couldn't mention more facts.

After meeting with the SHO at the Nagari Police Station, the fact finding team started for the Seshachalam Forests near Tirupathi, the reported place of the encounter by the APRS-STF. The team reached a particular point (from where a *kutcha* road turning left from the main road towards Tirupathi Temple begins leading the way to the reported encounter and body recovery spot) around 12 noon and were met by a posse of police with a police van that was parked blocking the entry on the *kutcha* road. The officer joined by a group of around 20 other members of the STF, armed with rifles, without any name badge, some in their civil dresses and other not in complete uniform, received the copy of the intimation but refused permission to the fact finding team members to enter the forests. The forest officer requested the team to wait for 10 minutes to communicate with his higher officials to seek their orders for permitting the fact finding team members to enter the forest.

For two hours the team tried to reach some senior official either in the police or in the Forest Department who could explain why this extraordinary step had been taken, or withdraw the order, but was fobbed off and could not enter the forest. Several senior police officials didn't respond, informed by themselves through phone SMSs about them being in a meeting or through their secretaries and other colleagues that they are not in the office. Often the excuse of a public holiday was quoted. Since this was neither a prohibited area, nor one where the District Magistrate had issued orders under Section 144, the refusal to let the team pass was illegal. The only possible conclusion that can be drawn from this bizarre behaviour of the Andhra Pradesh police and forest officials is that they feared that the team's inspection of the spot would so completely expose their claims that it must be prevented at any cost, including by the deployment of an armed force.

The local press had by then gathered in large numbers by now and finally an officer named Mr. Srinivas, Divisional Forest Officer (DFO) spoke to one of the fact finding team members and explained that he was awaiting the orders from his higher officials but also denied that there was no permission granted to the team and disconnected the call.

Meanwhile, the fact finding team had brought this to the notice of one of the NHRC officer from New Delhi A.K.Parashar. Despite Mr. Parashar's several attempts to contact the DFO and the Superintendent of Police Tirupathi, the concerned officials denied talking to the NHRC officer stating that the concerned officers were in a

meeting. On the contrary, the forest officer stationed at the entrance of the forest had constant communication with the concerned DFO and other police officers. Moments later, two more forest officials joined in with 4 armed men in mufti and joined the already existing forest force squad. (Refer to Annexure 9 for photographs). Following no response from any state officials and after awaiting for two hours at the same spot, the fact finding team when tried to proceed for the reported encounter and body recovery spot by foot was stopped by the stationed forest officials.

Fortunately, two days earlier, the preliminary fact finding team of People's Watch had visited the spot, before the police realised the implications of letting them go there, and had prepared a report, which the team had access to and studied and accepts as factual and objective. (Refer to Annexure 2). At 3 PM, the fact finding team started for S.V Medical College in Tirupathi.

The fact finding team reached S.V Medical College, Tirupathi, at 3:30 PM where the post-mortem of 20 bodies of persons killed in alleged encounter was conducted. There were neither doctors nor any administrative staff to share with the fact finding team the records in which the details of the post mortem were registered. However, the team was also able to speak to the Medical Superintendent of the hospital, who informed it that nine constables of the Task Force had been brought there around 11:30 in the morning of 7th April, most of them with simple injuries caused by blunt objects, which could have been stones or sticks. None of them had injuries that could have been caused by firearms, arrows or sharp objects like sickles. However, the Medical Superintendent refused to show any documents in support of the above facts.

The fact finding team was however able to gather from reliable sources that the 20 bodies of those killed were brought to the hospital mortuary only after 8:30 PM on 7th April, which clearly shows that the bodies were in the open forest for a whole day in the sun with the intention to allow the bodies to decompose in natural ways. Though the incident happened inside the forest, as claimed by APRS-STF, there were no medical personnel after the incident to declare the death of the 20 people. Even if the APRS-STF claim the injuries to be that of gunshots, there exist adequate chances for the injured to survive. That chance has been intentionally and wilfully denied, which establishes clear the intentions of the STF to kill the wood cutter.

These sources also confirmed that there were several MRO (Mondal Revenue Officers) deployed to conduct the inquests. If so, not much time period is needed to finish the inquest by the MROs and bodies could have been brought to the hospital in the early hours of 7th April itself, to avoid decomposition and secure vital proof from the body. The fact finding team has been alerted that the post-mortems were conducted by a team of doctors from the SV Medical College and also followed NHRC guidelines. There are only four qualified forensic experts in the concerned hospital. We strongly feel that detailed autopsy is not possible within 4 hours for 20 bodies (i.e. between 9 AM – 1 PM on 8th April) as the bodies reached the respective villages on the evening of 8th April as confirmed later by the respective families of the deceased and villagers.

At 5:00 PM, the fact finding team arrived at Kabilathirtham in Lower Tirupathi to meet Dr. M. Kantha Rao the DIG of APRS-STF. At the gate to the compound of the DFO/DIG even after stating that the fact finding team has come to meet the DIG, the policeman stated that the DIG was away and hence not available in his office. However, the fact finding team made entry by stating that they would meet any other officer of the APRS-STF if the DIG was unavailable after showing the prior intimation sent to their higher officers. To the surprise of the fact finding team, the official car of the DIG was in the campus adjacent to his office and it was correctly proved that he was very much present in his office but claimed to be absent. When the same policeman at the entrance gate was told about this on the way back, he mentioned that he had been strictly ordered to state this reason to anyone who tries to meet the DIG. DIG's office is an office-cum-residence arrangement.

The DIG was not willing to meet the fact finding team. The fact finding team waited for another 10 minutes at the door steps explaining the purpose of their visit to DIG's subordinates. After a lot of persuasions, the DIG met the fact finding team for nearly 20 minutes. DIG Dr. M. Kantha Rao, whom the fact finding team met in his office-cum-residence in a compound shared with the District Forest Office, invoked an oral order of the Andhra Pradesh High Court of the previous day, which had asked senior police officials not to make public statements to the media on this incident. In the fact finding team's view, which it conveyed to the DIG, this was a deliberate and self-defeating misreading of the High Court's order. This refusal to speak to the team

simply meant that its members were forced to conclude that the police had no case to make, and so feared a discussion on it that they would rather let it go by default.

The DIG during the conversation repeatedly claimed that he is humanitarian in his approach and valued human rights and as a doctor he knew the value of human life also. He appeared tensed, mumbling in his talks and stated that he was just a link in the chain and not an authority by himself by which it is assumed that he meant carrying out the instructions of his superiors. The DIG kept referring to a newspaper clipping dated 14th March 2015 which mentions about trainings to be organised for educating labourers from north-western districts of Tamil Nadu. (Refer to Annexure 10). He cited this particular article when comments were sought on the encounter killings. Later the fact finding team visited the DFO office, situated in the same campus, only to know that he had left for the day at about 3 PM.

The campus where the APRS-STF Headquarters and the office of the DFO are situated is about more than 20 acres (approx) in area. The entrance in the campus has grills on both side till a certain distance. The fact finding team noticed several vehicles of various makes, mostly cars, jeeps, SUVs and lorries were parked. Several vehicles were in irreparable conditions and seemed like they were parked there for years. It has to be noted that several vehicles of various makes were new with tyres in working condition but dumped in the campus. Several of the vehicles had reference to case numbers written in white paint on the number plates or on rear sides of the vehicles. (Refer to Annexure 11 for the photographs)

The fact finding team was able to locate an "EICHER Van" in workable condition with no number plate at the rear. However, it bore a number plate KA 27 3385 (first number hidden in the picture) which the fact finding team suspects was used to carry the 20 bodies of the persons killed in alleged encounter. (Refer to Annexure 12 for the photographs). The photograph of one victim was also published along with the dead body in the media. (Refer to Annexure 13 for the photographs) In Ilangovan's testimony, he clearly mentions about getting on and jumping off from a bus with 'EICHER' written at the rear end.

The fact finding team then went to Chandragiri Police Station to meet the SHO of Chandragiri Police Station at 5: 45 PM. The initial FIR was filed by this particular SHO against the victims. Though he was informed about fact finding team's visit

through his colleagues over the telephone, he chose not come back to his duty station even after the team waited for almost half an hour. All police officials involved in the incident categorically either refused or cited excuses to meet and discuss the matter with the fact finding team.

The fact finding team embarked for Vellore for its last mission of the day and met the three eye witnesses from 8:30 PM – 10:30 PM. The two witnesses Sekar and Balachandran (refer to Annexure 4 & 5 respectively) had already submitted the statement with the NHRC and Ilangovan (refer to Annexure 6) was to submit the statement the following day in Pondicherry before the deputed officers. The fact finding team also heard, and received statements from the same three men, mentioned above, who are crucial witnesses to the abduction of their companions by the Andhra Pradesh Police on the night of the 6th April; all the men taken away were among those who were killed on the 7th April.

3.BRIEF STATEMENT OF EYE WITNESSES

Brief Facts of the Statement of Paramatha Sekhar

- i) Paramatha Sekhar, of the Vanniyar community, was on a bus on the 6th April with his relative Mahendran, and saw two other men of his village, Murthy and Munuswamy, also on it. He realised they were going to Tirupati when the conductor called out the name. About an hour out of Tiruthani, a man in mufti boarded the bus and forcibly took Mahendran down from it. Sekhar was sitting between Mahendran and a woman, and believes he was not also taken because the abductor thought he was with her, not with Mahendran;
- ii) When he looked back a few minutes after he saw that Murthy and Munuswamy were also missing, and had clearly also been forcibly taken off the bus;
- iii) Sekhar was terrified, got off the bus at the next stop, and made his way back to his village, reaching late past mid night on the 6th April;

Brief Facts of the Statement of Sitherimalai Balachandran

- iv) Sitherimalai Balachandran, from the Malayali Scheduled Tribes, travelled with seven men from his village on the 6th April, met an agent named

Palani, but was separated from his group at the Arcot bus stand, when he and an employee of the agent went off for a drink; they followed in the next bus;

- v) Late in the evening of the 6th one of his relatives, Sivakumar, who was with Palani, told him that the agent had gone off somewhere, and asked them to wait;
- vi) Palani's man (with Balachandran) then understood from a conversation with his employer that he had been arrested; "this man" and Balachandran then left Nagariputhur in Andhra Pradesh to return to Tamil Nadu to escape being arrested;
- vii) When Balachandran tried ringing Sivakumar on his mobile there was now no answer. But around 11:30 PM, he got a call from the same phone, in which a person he did not know and who would not identify himself told him that his friends were in Tirupati, where he should come immediately to fetch them;
- viii) Balachandran was afraid, and though there were several calls later from Sivakumar's number, he did not pick them up;

Brief Facts of the Statement of Ilangovanvan

- ix) Ilangovanvan, travelling on the 6th April with his friend Paneerselvam to find work as masons, had got into an auto at Nagariputhur around 8 pm, but it was blocked off by around eight armed men in mufti, who made them get out; one of them then made a call from his phone;
- x) An 'EICHER' lorry appeared shortly thereafter, and the two men were thrown into it; Ilangovanvan found there were already about 30 persons in it, of whom 10 were carrying guns;
- xi) The lorry brought after almost an hour them to a compound which was dark and with many different vehicles; here the armed men jumped out, and some of them went into an office from where they brought a video camera, with which they photographed the men;

- xii) When the armed men were preoccupied, Ilangovanvan utilized the occasion and cover of darkness and climbed over the front left side of the lorry and ran off, taking advantage of the darkness; he scaled a fence and went up a hill behind the compound, until he reached the lower Thirupathi temple, where he hid, till almost 4.30AM before managing to return to his home.

The fact finding team has had access to some of the relevant documents, including the FIR filed by a forest officer, in which the claim is made that, in addition to the other weapons listed by the DIG in his statement to the press, the men who were killed had four firearms. (Refer to Annexe 4, 5 & 6 for complete submission by the three witnesses).

4.FURTHER VISITS OF THE FACT FINDING TEAM

On 15th April, the fact finding team divided itself into two teams and visited 19 families of the deceased victims in their respective villages. The teams visited –

- i) **At Keelkanavayur village in Tiruvannamalai district** and met Ms. Lakshmi who is the young widow of **Paneerselvam**. Lakshmi and late Pannerselvam have an eight months old girl child named Sanjana. Paneerselvam's family belongs to Melkanavayur village which is 2 kms further on the hill.
- ii) **At Melkuppasanur village in Tiruvannamalai district** and met the families of the deceased victims **Chinnasamy, Govindasamy, Rajenderan, Vellimuthu**. It is pertinent to note that the Vellimuthu was physically challenged with hearing and speech impairedness. Rajendran's wife is two months pregnant.
- iii) **At Kalasamangalam village in Tiruvannamalai district** and met the family members of **Palani**. Late Palani and his wife have a 42 days old child.
- iv) **At Vettagiri Palayam village in Tiruvannamalai district** and met the family members of **Perumal, Mahendran, Moorthy, Munusamy, Sasikumar, Murugan**. Sasikumar's wife Muniamal had gone to Hyderabad to file a petition in the Andhra Pradesh High Court.

- v) **At Chitheri Hills in Dharmapuri District** and met the family members of **Hari Krishnan, Venkatesh, Sivakumar, Arasanatham Lakshmanan, Velayudham, Lakshamanan and Sivalingam.**

Most of them deposed to the team that their respective deceased family members left homes on either of 5th or 6th April located in Tiruvannamalai and Dharampuri districts. The family members stated that they were going to Coimbatore, Chennai, Pondicherry, Kerala and Karnataka for coolie work. Some of them also mentioned about the calls made and received by them from their respective husbands or sons. Most of the victims' families had no signs of prosperity and have hand to mouth existence. Schemes like MGNAREGA are defunct for almost an year. The only livelihood option available to the people in these villages was therefore to move out for labour work either in nearby cities or coffee estates in Kerala and Karnataka. Very rarely they referred to Karnataka and for them outside Tamilnadu was always referred to as Kerala. The families of the deceased victims claimed that under no stretch of imagination the victims can be involved in red sander smuggling or even red sander woodcutting in the past. On several occasions, victims were joined by their respective wives, children and brothers while setting out for contractual work. (Refer to Annexure 7 for a detailed account of the village visit).

The fact finding team returned to Vellore around 8 PM and the two day mission formally concluded.

5.INTERIM OBSERVATIONS OF THE FACT FINDING TEAM

From an analysis of the reports in the media on the incident, it became clear that an objective assessment could only be made by getting answers to several genuine questions raised by several experts, journalists, lawyers, human rights activists and, judicial and quasi-judicial bodies. It is immensely and urgently important that an independent investigation is undertaken. Despite 2 weeks of the alleged 'encounter', in our 68 years old democracy claiming one of the best Constitutions among the modern nation-states, the killing of 20 poor villagers is still awaiting an investigation and had to wait for the directions of the Andhra Pradesh High Court to register an FIR!. The fact finding team has painfully compiled a set of observations based on the pertinent questions that arose during the mission.

- I. **Were the men woodcutters?** The families of the victims say they were not, that they did a variety of odd jobs for contractors in local towns. However, the cutting of wood is also a manual job which locals can turn their hands to. Some of the villagers to whom the fact finding team spoke said that they did whatever work they were contracted for. If they were asked to cut trees, they did, in Tamil Nadu and in other States, not just in Andhra Pradesh, but they did not know if certain trees were off limits. They had not knowingly cut trees that were on a protected list.

The three men who accompanied 12 of those who were killed told the team that they were being taken to do other work in cities (Chennai and Pondicherry) not to the forest. When they left their houses, they were not carrying sickles, sticks, rods, or any implement needed to cut large trees. Nor did they have with them firearms, bows and arrows, or any other weapons. On for that matter a bag with clothes to last them a few days.

- II. **Were the police attacked by 200 armed woodcutters?** The fact finding team having been prevented from visiting the site, it has relied on the report of the careful inspection of the place and its surroundings prepared by the preliminary fact finding team of People's Watch who went there. From this report, and their personal narration to the team, and their own enquiries, the following points emerge:

- a) there are no Red Sanders trees in the area where the bodies were seen, there were only saplings; the nearest groups of large trees are 3 kilometres away; it is unlikely therefore that woodcutters would have camped at that location, as claimed by the DIG;
- b) there is no evidence, at the spot or in areas nearby, that a group of 200 men had camped there for at least 24 hours; there are no campfires, no remnants of raw or cooked food, no bedding or cooking utensils, no human waste; the only debris are empty packages of food issued to the Andhra police;
- c) there is no evidence that the police fired at a group of 200 men, who had taken cover behind boulders; there are no bullet marks either on the rocks, or on the saplings, which would have been cut down by automatic fire;

- d) there is no evidence that a large group of men fled from the area, though if 200 were there and 20 were killed, 180 would have escaped, many presumably with bullet injuries, leaving a trail of blood and possessions abandoned in panic, as invariably happens when the police fire into a violent mob; here the surrounding area was pristine;
- e) there are no reports of any men emerging from the forest to seek treatment for injuries from hospitals, dispensaries, doctors or quacks in the area; it would be entirely improbable that every round fired by the police hit only the men who were killed; in a genuine encounter, particularly when automatic weapons are used, there are invariably both injuries and deaths;
- f) there is no evidence that men emerged from the forest in the days after the encounter and tried to make their way back to Tamil Nadu; the SHO of the Nagari Police Station, through whose jurisdiction the bus route from Tirupati to Tamil Nadu runs, has confirmed that he had carried out checks, but had found no one who could have been a woodcutter;
- g) there is no evidence in the forests nearby of trees having been cut, though if 200 woodcutters had been there for at least a day, as the DIG has claimed, very substantial numbers would have been chopped down; even if the logs had been carried away, the stumps would have been there, but there were no stumps to be seen; trees in this area had not been cut;
- h) the 200 alleged woodcutters, out of whom 20 had been killed and the remaining 180 are missing. The Nagari police station SHO had confirmed of no arrests whatsoever after the incident despite lookout. It can be feared that a case is now made by the police by registering these charges against unknown persons and arrests being made out of revenge and whims and fancies of the policemen;
- i) Most of the logs beside the bodies, when the media had access, had markings on them as those put on in government godowns; these logs could not have been cut by the men who were killed, and would therefore have been planted there by the Task Force in a foolish attempt to “manufacture evidence”;

- j) some of the logs beside the bodies, when they were shown to the media, were much bigger than the physical sizes of the deceased victims; these logs, especially when the red sanders logs are extremely heavy, appeared to be of more weight than those of the deceased victims. The number of logs and their weight, as presented by the media, clearly outnumbers the capacity of the 20 deceased victims;
- k) if the AP-STF version has to be believed that there were 200 woodcutters carrying logs, it is obvious that a lorry/van/truck will be used to transport the same. There has been no report by the AP-STF on seizure of any transporting vehicle relating to the alleged 'encounter';
- l) the timeline of the entire incident raises serious doubts about the same. The statements of the three witnesses and families of 19 deceased victims confirm that the deceased victims left their respective villages and would have entered Andhra Pradesh only by late evening of 6th April. The chopping of the red sanders trees and carrying out those heavy logs by any human capacity can't be completed in a matter of few hours.

III. **Did the police fire in self-defense?** Since there is no evidence that there were any woodcutters in the area on the morning of the 7th April, it is difficult to believe that the police were attacked at all. The team has of course heard from the Medical Superintendent of the District Hospital that 9 constables of the Task Force had been brought there with simple injuries, contusions caused by blunt objects. Members of the fact finding team have come across several instances in the course of their previous work of mild injuries self-inflicted by policemen to make an account of an encounter plausible, but even if it is accepted that in this case they were inflicted on them by assailants, it is clear from the nature of the injuries that the policemen were not under any real threat, armed as they were with high-powered rifles, and facing at best sticks and stones. Therefore there is no evidence at all of a grave and imminent danger to the lives of the policemen that would justify their opening fire in self-defense.

- IV. **Was the nature of the firing justifiable?** There is no evidence that the police, which claims in its 2 FIRs that it first fired in the air as a warning, thereafter shot to deter and to disable rather than to kill. The policemen clearly aimed only at vital organs, and therefore specifically to kill. This was utterly disproportionate, even if it is accepted that some of them had been hit by stones, and completely unjustified under the parameters of domestic law and international standards.
- V. **Were these killings unpremeditated or were they planned murders?** It is impossible to give the Andhra police the benefit of the doubt, and to say that only some members of the Task Force over-reacted to an attack on them with sticks and stones, using lethal and disproportionate force in retaliation, in which 20 lives were tragically lost. The reports that the fact finding team received, particularly from the three men who were companions of 12 of the men who were killed, and narrowly escaped their fate, points to something far more sinister and grave, the abduction, torture and murder by the Task Force of 20 completely innocent men, all of them desperately poor migrant workers from Tamil Nadu, 14 of whom were also from the Scheduled Tribes.
- VI. **Correlating the statements of the three witnesses,** the following conclusions can be drawn –
- i) 11 innocent men, travelling in search of work, who had committed no crime, were “abducted” and taken into ‘police custody’ by armed and unarmed policemen, who stopped and boarded public transport in Andhra Pradesh, or picked them up from public places near Tirupati on the night of the 6th April, without being questioned or prevented from doing so and totally contrary to the provisions of arrest as under sections 41A, 41B, 41C, 41D, 53, 60 and 60A of the Criminal Procedure Code.
 - ii) though all these armed men were not in police uniform, and cannot be identified as such, the fact finding team presumes that armed gangsters cannot roam around in Andhra cities, or carry out abductions so brazenly. Hence the conclusion that these were arrests.
 - iii) the fact finding team has seen for itself that reinforcements sent to bolster the Task Force unit which was blocking its entry to the forest on the 14th

April arrived in mufti, but carrying rifles; this appears to be standard practice for the APRS-STF;

- iv) the fact that they were not challenged by members of the public, or by the drivers of the public transport from where they carried out the “abductions” shows that, if they had at all been questioned, they had identified themselves as policemen, and were therefore given a wide berth;
- v) from Ilangovanvan’s account, correlated with those of the others, it appears that apart from the 11 who were with these three, around 9 other men had also been picked up on the evening of the 6th April;
- vi) these men were put into an ‘EICHER’ van, which travelled from spot to spot, picking up the men as they were “abducted”;
- vii) the description given by Ilangovanvan of the place to which the van took them, and from where he ultimately escaped, matches exactly that of the compound that houses the office-cum-residence of the DIG of the RSASSTF and the District Forest Office, which the team had also occasion to visit and walk through upto the main gate as their vehicle as asked to be parked outside has visited;
- viii) the “abductors” were therefore non other than members of the Red Sanders Anti-Smuggling Task Force of the Andhra Pradesh government;
- ix) since Ilangovanvan saw 10 armed men in the ‘EICHER’ lorry into which he was thrown, and several others were involved in the abduction of the Tamil workers from vehicles and spots around Tirupati, this was a large operation, involving planning, logistical preparation, and significant deployments of police not without the personal supervision and meticulous guidance of the DIG, Dr. M.Kantha Rao.
- x) this could not have been an on-the-spur initiative of one or two rogue policemen, or a low-level initiative; the preparations involved, the clearances needed for significant deployments of policemen, and the audacity with which these crimes were committed are all signs that this was a single operation planned, ordered and coordinated by officers, not by the constables of the Task Force who carried out the tasks assigned to them; - with the full guidance of Dr.M.Kantha Rao and the approval of the

AP State's Director General of Police and Principal Conservator of Forests.

- xi) there is therefore convincing evidence that 11 of the 20 men who were described as woodcutters working for sandalwood smugglers, and killed on the morning of the 7th April in what the police described as an encounter, had been abducted by members of the Task Force the night before; they could not have been in the forest in the early morning of the 7th April unless they had been taken there by their captors, they could not have been armed, nor could they have been in the employ of smugglers or in the company of 180 woodcutters;
- xii) since 20 men were killed together, 11 of them can be confirmed to have been hostages of the Task Force from the night of the 6th April, and Ilangovanvan, who escaped, saw around 20 men in the truck into which he was thrown, it is not just a safe presumption but the only possible logical conclusion that all the 20 who were killed on the 7th April were those who had been abducted on the 6th April.

VII. **Were the men tortured?** The fact finding team has heard harrowing stories from the widows, mothers and other close relatives of the men of the mutilations they saw on the bodies when these were returned to them.

- i) Arms had been hacked off on one or two bodies, the teeth were missing on several, eyes had been gouged out on others, toes sliced off on one and the tongue slashed on another, and on several there were marks of burns, of sharp objects having been thrust into bodies, and of limbs being crushed. Most of the bodies having now been cremated, it is impossible to confirm these reports by visual evidence, but these stories were spontaneously recounted to the team by bereaved women in great anguish, and there is no reason why they should be fabricated.
- ii) The fact finding team was told by a journalist who had seen the bodies before the post-mortems, and who had some medical experience, that several were mutilated and bore marks of torture. The forensic expert with the fact finding team, Dr. Savior Selva Suresh has learnt from

colleagues in the Andhra Pradesh medical fraternity that the autopsy surgeons, to whom the team could not speak, had found some limbs missing on the bodies they had received. This will only be confirmed by the post-mortem reports, and by the videotapes of the autopsies.

- iii) Unless the videotapes conclusively establish that the relatives were mistaken and the reports received by the team were false, they must be accepted as the truth. The very disturbing conclusion is that, having illegally and forcibly abducted 20 innocent men on the night of the 6th April, members of the AP-RS- Special Task Force subjected them to a torture which was psychopathic in its cruelty and brutality.
- iv) It is disturbing in the extreme that the Andhra Pradesh police tortured these men. Torture is generally used to extract information, but in this case, even the most dim-witted policeman would know that little would be gleaned from men whom they had arbitrarily picked up, and who had nothing to offer. It is, however, not unknown for torture to be used by members of one group against another which it despises and dominates. It is therefore very troubling that most of the bodies that bore the marks of torture were those of the men who were Scheduled Tribes. This makes the appalling crimes committed by members of the Task Force even more contemptible, and deserving of the most draconian punishment.
- v) Such a brutal torture as evidenced from the family members and the photographs available clearly indicate that the venue of such acts of torture could only have been the DFO – DIG APRSSTF joint compound whose loneliness encourages the isolation requested for such acts of torture. The APRSSTF also has a host of staff ably built not in uniform which further facilitates such as illegal action.

VIII. **Were the men murdered?** The inescapable conclusion that flows from this analysis of the facts available to the team is that 20 innocent villagers from Tamil Nadu, travelling through Andhra Pradesh in search of work, were murdered in cold blood by policemen of the Andhra Pradesh Task Force on the morning of the 7th April, as the last act in a planned, elaborate operation

that began with the abduction and torture of the victims, chosen apparently at random, the night before.

QUESTIONS THE ANDHRA PRADESH ADMINISTRATION OWES A RESPONSE TO THE 20 FAMILIES OF THE DECEASED AND THE PEOPLE OF THIS COUNTRY

The fact finding team fears this case of 20 killings of poor and innocent labourers is a case of illegal arrest, arbitrary detention, custodial torture and extra-judicial killing, with premeditated effort to allow those initially injured in the killings to die without medical attention and serious attempts to cover up the evidences. Each of these being independent human rights violations and one linked to the other. Hence, the fact finding team herewith is sending this interim report to all the AP officials concerned and seek for the explanation for the following questions to be offered by them. The fact finding team also seeks the officials to furnish photocopies of the documents in support of their replies within 7 days of receipt of this interim report. If the fact finding team does not receive any reply on or before 27th April 2015, they would consider that there is no explanation to be offered by the concerned officials and accordingly the final report from the findings of the fact finding team will be finalised.

- I. When and by whom and how (mode) was the information regarding 'smuggling/woodcutting' taking place at Seshachalam Forest on 6th April was obtained?
- II. Where (in which PS jurisdiction) were the 20 persons first seen on 6th April? Name the AP-STF and Forest Officials. Who claim to have seen them as one group or separate groups?
- III. What is the name and designation of the officer(s) to whom the first information about the 20 persons was given?
- IV. Which vehicle was used by the APRS-STF to reach the spot(venue of encounter)? Mention the exact time as recorded in the G.D, vehicle log book and also as per the wireless information.
- V. What is the name and designation of the officer(s) who gave the firing order? Mention the exact time of the said order.

- VI. What time were the bodies of the 20 deceased identified and by whom? Who declared them as dead. Mention the names and designation of the officials.
- VII. How many rounds of firing were conducted during the alleged encounter? How many unfired bullets were seized from in the area? Where are they kept and under whose custody? Was the report of crime scene prepared? If so by mention the name and designation of the official.
- VIII. How many APRS-STF and forest officials were injured in the encounter? What are the injuries sustained by the APRS-STF personnel and give detailed description of the injuries sustained by each police/AP-STF/forest official as recorded by the Medical Officer who treated them? Mention the names and designations of the injured personnel.
- IX. Who conducted the inquest on the dead bodies? Mention the start and end time of the mentioned inquest. Mentioning the names and designations of the ordering authorities.
- X. What time were the injured personnel admitted to the hospital? What was the treatment given to them? Whether they were admitted as inpatients? Or treated as out-patients for the contusions, bruises and for their simply injuries?
- XI. What time were the post-mortems on 20 bodies performed? Mention the names and designations of the medical officials who performed it? Mention the exact time taken for each body to perform the post-mortem as per official records of the hospital mortuary?
- XII. What was the procedure adopted to identify the persons killed in the alleged 'encounter'? When and how were the blood relatives or the kin of the dead persons informed about their deaths?
- XIII. What are the things recovered from the 20 dead bodies collected after the alleged 'encounter'? Where are they preserved at present? Has any intimation been provided to any of the family members.

- XIV. If the rest of the smugglers escaped from the Seshachalam Forest area on 6th April, did anyone get arrested at the check posts as per your information?
- XV. Was there any transportation vehicle seized on 6th April to be used by the alleged 200 people to smuggle red sanders wood?
- XVI. What are your explanations for the injuries found on the bodies of 20 persons which were seen in the photographs published in the media?

6.INTERIM RECOMMENDATIONS

- I. It is now 15 days that the incident took place leading to the death of 20 persons. There is therefore an urgent need for an immediate, independent and impartial investigation to be conducted in a time bound manner, by a Special Investigation Team (SIT) appointed by the Supreme Court of India comprising of carefully identified senior experienced police officers inspiring confidence in the public and not belonging to either Andhra Pradesh or Tamilnadu. The investigation under no circumstances can be conducted by the Andhra Pradesh police in light of the NHRC guidelines to be followed in cases of police action, which specifically emphasises the 'principle of impartiality' of the agency investigating into an alleged encounter.
- II. There is an urgent need on basis of the merits of this fact finding report and the statements of the witnesses recorded by the NHRC, as it appears prima facie to be a case of illegal arrest, arbitrary detention, custodial torture and extra-judicial killing, NHRC with its powers as enshrined under sections 13 and 14 of the Protection of Human Rights Act conducts by itself a detailed enquiry using its own Special Rapporteurs who are former Director General of Police and utilizing the services of its own investigation team in the case.
- III. 20 independent cases under section 302 of the CrPC to be registered against all policemen who were on duty on 6th and 7th April including their superior officer up to the DIG of the Andhra Pradesh Red Sanders Anti-Smuggling Special Task Force. Each one of the 20 cases need to be independently investigated to arrive at a logical conclusion. A judicial enquiry as envisaged under section 176(1)A of the CrPC needs to be conducted by a Judicial

Magistrate as mandated by law and not a magisterial enquiry by an executive magistrate.

- IV. The statements of all relevant survivors, witnesses and respective family members be recorded before a Judicial Magistrate u/s.164 CrPC having jurisdiction over the area where they are presently located/residents of. Since 14 out of the 20 deceased victims belonged to the ST community, a case to also be registered under the provisions of the SC /ST Prevention of Atrocities Act 1989.
- V. The post-mortems' report needs to be made available to each of the families as well as to all those who have intervened on behalf of the deceased. It is believed that viscera and DNA have been preserved properly and as required in all 20 cases. It is also believed that Gunshot Residue (GSR) has been taken in all the 20 cases. The fact finding team is aware about the forensic expert panel of the NHRC. This specialised panel should re-examine all the post-mortem reports, the video footage as to be followed under NHRC guidelines, viscera, DNA and GSR.
- VI. The NHRC has already ordered for police register, log books, GD entries and any other documents relating to the incident for not be destroyed, tampered with or weeded out during the pendency of the NHRC proceedings. The NHRC should make a special note of the wireless recordings and transcripts and order the same in this regard. Wireless transcripts are crucial evidence in the case as prima facie the case appears to be of a planned execution.
- VII. The mobile call records from 5th – 8th April of all the AP RDSTF officials and members, Forest officials in the District and members and concerned Andhra Pradesh police officials like the District Magistrate Tirupathi, the Superintendent of Police Tirupathi and members to also be submitted to the NHRC and to the concerned investigation agency. The same applies for all the 20 deceased victims and their mobile call records to also be submitted.
- VIII. A large number of under trials are understood to be languishing in the prisons of Andhra Pradesh for several years now under the charges of smuggling of red sanders wood. All of them are labourers and are economical weak. There has been no convictions in any of these cases and if any was not

brought to the notice of the team by any police official when contacted. The Andhra Pradesh government needs to be directed to prepare a list of all such cases of arrests and detention. It also has to be ensured that proactive legal aid is provided to all the accused in all such cases using the Services of the AP State / District Legal Services Authority.

- IX. IX. We understand that the National Commission for the Scheduled Tribes, whose Chairperson is a ' Deemed Full Member' of the NHRC has also undertaken a visit to the area in AP and Tamilnadu and is to also submit a report on the same to the Government as well as to the NHRC. There have also been some recommendations the Vice Chairman of the NCST has made that appeared in the media and we had access to the same. We therefore recommend that the Chairman of the NCST shares his / her report with the Hon'ble Chairperson of the NHRC in a specially convened 'full commission meeting' by asking for one to be exclusively convened for this purpose only. This is to make sure that such welcome joint efforts multiply in the future and at the same time do not work at cross purposes.
- X. With the larger question of smuggling of red sanders wood from the state of Andhra Pradesh, there appears clearly a nexus between the mafia, bureaucracy, law and order agencies and the political class. There has been no instance of the big mafias and the middlemen being convicted for red sanders wood smuggling. A detailed and thorough investigation needs to be undertaken and further actions ensuring that poor labourers are not victimised whenever this question is raised but rather the powerful people involved are exposed, legal proceedings initiated and convicted.
- XI. XI. The evidence in this case which can make a change lies in the versions of the three eye witnesses – [Annexures 4,5 & 6] However, due to the threat that they seem to be facing and having brought the same to the attention of the NHRC already on 13th April, their respective families have so far been provided protection by the DGP of Tamilnadu. But since they cannot continue to live therefore some more time, they are now continuing to stay under the protective custody of People's Watch which has also Commissioned this high level fact finding mission. We are of the opinion that this police protection will have to also continue in the premises of People's Watch in Madurai at 6,

Vallabai Road, Madurai for a few months ago. Due to their relocation and the threat to their own lives for the testimonies they have so far made, the three witnesses cannot go for employment as before and have been confined to the building. The task of protecting witnesses cannot continue to be only that of a civil society organization or human rights defender and hence it is recommended that the cost of their stay – particularly their daily food costs – and a daily allowance may be paid to them so that they may be able to maintain their families with the same for the period when they cannot go to work normally.

- XII. There are several litigations filed in the Madurai Bench of the Madras High Court, in the First Bench of the Madras High Court, in the First Bench of the Andhra High Court and the Supreme Court. Since all these legal interventions are relating to the same gross violations of human rights, it is recommended that the NHRC may take urgent steps to ensure that it intervenes in all these courts using its powers to do so under Sec 12(b) of the Protection of Human Rights Act by using the services of competent human rights proficient lawyers to appear on behalf of the NHRC.
- XIII. The implementation of social welfare schemes in the two districts of Tiruvanamalai and Dharmapuri needs a complete facelift and sincere efforts on parts of the administration that they are implemented in the way they have been envisioned to. Schemes like MGNARGA have been completely defunct and for over a year has not served any help for the people. The school visited had attendance of only 4 students out of the registered 88. It is important that the Government of Tamil Nadu through its concerned ministries, officials and local governance structure ensure basic facilities for adequate living for the people in these two districts. Schools and hospitals need to be functional and established where they are not and effectively operated, being accessible to all, so that people who stay behind especially women and children are not deprived of health and education which are the roots for any community. It is the total lack of such social welfare measures for the poorest of the poor among the population that was responsible for them being pushed out in search of different jobs.

The fact finding team sincerely believes that through its two day mission will be able to contribute to the ongoing judicial and quasi-judicial proceedings. It hopes that the justice is served in this case. No state force or individual has a licence to kill in this democracy. Seven decades since independence we as a country has on various occasions struggled to safeguard our own country women and men. The state forces meant to protect and safeguard the citizens have walked free after torturing and killing them in such incidents in the past. For a true democracy and to uphold the rule of law, it is imperative that civil and political as well as economic, social and cultural rights are protected and promoted. This culture of impunity has no space in any modern society.

ANNEXURE 1



People's Watch

No.6, Vallabai Road, Chokkikulam, Madurai - 625 002.
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E.mail: info@pwtm.org Web: www.pwtm.org

Human Rights and Democracy Program in Tamilnadu Intimation for Human Rights Fact Finding

Intimation No:

Addressed to:

The Director General of Police (DGP)
Andhra Pradesh
ig@pcs.appolice.gov.in

Sri B.Balakrishna, IPS
D.I.G./I.G./Additional D.G. of Police
digatp@appolice.gov.in
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Sri P.H.D. Ramakrishna, IPS
The Superintendent of Police
Chittoor District
spctr@appolice.gov.in

People's Watch is a national human rights organization with its inception in the year 1995. It is engaged in the area of human rights monitoring, legal intervention, human rights education, campaigning, research and rehabilitation. It also undertakes human rights fact finding under the ***fundamental rights in Art 19 & 21 of the Indian Constitution, under the Fundamental Duties in Art 51(a) of the Indian Constitution, Article 19 of the Universal Declaration of Human Rights 1948 and under Art 6 and 13 of the United Nations Declaration on the Rights and Responsibilities of Individuals, Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1998.***

It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of **.Encounter death** that is alleged to have taken

place in [Seshalam Forest Chandragiri Mandal, Chittoor District](#). It is therefore proposed by our Tamilnadu team to depute a fact finding team led by our [Team Justice H.SURESH, Mr. SATYABRATA PAL, ADV.AJEETHA, Dr. SAVIOUR SURESH, Prof. JAWARULLAH, Mr.KRISHANAMOORTHY, Mr. MATHEW JACOB, Mr. PISON, Adv. NAGENDRAN, Mr. ASEERVATHAM, Mr. RAM MOHAN](#) to undertake a human rights fact finding on **14th & 15th April'15** and report the same to the headquarters. The Mobile No of the contact - 9894025859

We wish to bring this fact finding to your kind attention and also inform you that our State Human Rights Coordinators will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also “know, seek and obtain” information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

Madurai

Date:

Executive Director, People's Watch, Tamil Nadu
(Mobile Number: 9894025859)

Copy to:

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ANNEXURE 1



People's Watch

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Human Rights and Democracy Program in Tamilnadu

Intimation for Human Rights Fact Finding

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It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of **Encounter death** that is alleged to have taken place in **Seshalam Forest Chandragiri Mandal, Chittoor District**. **The Expected their persons killed to be from Thiruvannamalai, Vellore, Salem and Dharumapurai**. It is therefore proposed by our Tamilnadu team to depute a fact finding team led by our **Team Justice H.SURESH, Mr. SATYABRATA PAL, ADV.AJEETHA, DR. SAVIOUR SURESH, Prof.JAWARULLAH, Mr.KRISHANAMOORTHY, Mr. MATHEW JACOB, Mr. PISON, Adv. NAGENDRAN, Mr. ASEERVATHAM, Mr. RAM MOHAN** to undertake a human rights fact finding on **14th & 15th April'15** and report the same to the headquarters. The Mobile No of the contact – 9894025859

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Madurai

Date:

Copy :

1. The Chairperson
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2. Shri A. K. Parashar
National Focal Point - Human Rights Defenders & Joint Registrar
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ANNEXURE 2

Twenty Tamils Shot Dead by the Andhra Pradesh Police

Fact Finding Report

April 8th and 9th, 2015

On the 7th of April 2015, Television Channels and Newspapers reported that 20 Tamils who were purportedly cutting Red Sanders had been shot dead in an alleged encounter by the Andhra Pradesh Police. Based on the same, a team from People's Watch comprising of Ms. Palaniammal, Mr. Aseerwatham, Mr. K. P. Senthilraja, Advocate Ravi, Advocate Baskar and Ms. Dhanalakshmi went on a fact – finding mission to the place of incident in Tirupathi, The Tirupati Govt. Hospital (RUIA), Chandragiri Police Station and the families of the victims in Polur Taluk, Tiruvannamalai District, witnesses and Govt. Officials (in Tamilnadu and Tirupati) and Police officers in person on the 8th, 9th and 10th of April 2015. The following is a fact finding report prepared based on the information obtained from them.

Tirupati (RUIA) Govt. Hospital:

The fact finding team attempted to enter the post-mortem room (mortuary) in the Tirupati (RUIA) Govt. Hospital, where the bodies of the persons who were shot dead by the Andhra Police had been kept, on 08.04.2015 at about 11.00 a.m. But the Police had placed barricades at a distance of about 100 m from the post-mortem room and no one was allowed to go inside. Inside the barricade more than 100 police personnel were present. Opposite to the barricade there were more than 100 reporters and photographers with vehicles bearing dish antennas for live telecast. Also, Ex-MP Mr. Chintha Mohan of the Andhra Congress Party had erected a shed where he was collecting information and helping victims.

The fact – finding team met Ex-MP Mr. Chintha Mohan of the Congress Party and spoke to him. He said that Andhra Police had caught 20 persons, tortured them and then shot the persons dead and that there were no signs of blood shed or shooting at the place where the bodies were found. He also said that the claim of the police that they tried to arrest the woodcutters who were cutting red sanders and they shot at them in defense because they attacked them was false because the logs that were lying near the bodies were Red Sanders that were cut many months ago. He

further said that those logs were ones that had been confiscated by the police earlier and marked with Crime Numbers and there were signs of attempts to erase the numbers on the logs.

After that the Team met Reporter Nakkeeran Raja who had come from Tamil Nadu. He said that he had paid a visit to the Srivarimettu region, to the spot where the encounter is said to have taken place and had seen the dead bodies and the Red Sanders logs of which he had taken photographs too. He also said that the Encounter was a pre-planned staged encounter and that there were people in power behind it and that the innocent Tamils had been killed as part of a big political agenda.

Following this the Team spoke to the Indian Express Reporter, the Sun News Reporter Mr. Rama Selvaraj and the Reporter of Eenadu. All of them said that what had happened was not an encounter but planned murders. The Team also approached a few police officers who were standing there on guard to collect information but they did not respond.

People belonging to various organizations from Tamil Nadu stood before the barricades erected by the Police without holding any banners of their organizations' names and were raising slogans condemning the police. Likewise people of organizations from Andhra too were protesting in small groups. Our fact finding team, which had embarked on the mission after confirming to an extent through various sources that 20 persons belonging to Tamil Nadu had been killed by the police, decided to raise slogans condemning the incident. Following that the team reported all that it had heard and seen about the incident to the Executive Director of People's Watch. On his advice, all 6 persons in the team raised slogans demanding that the National Human Rights Commission should intervene in the case of the fake encounter that happened in Tirupati and that compensation should be provided for the family of the deceased. Many organizations that had come from Andhra Pradesh also joined with us and raised slogans. The team registered its protest in a democratic manner for about half an hour. Our slogan-raising was telecast nationwide by all television channels. Because of this the family members of the deceased placed trust in us and approached us with ease to speak about the incident. This is how the opportunity of identifying the real witnesses and presenting them before the National Human Rights Commission arose.

Then after lunch the team decided to go to the place where the encounter purportedly took place (situated at a distance of 14 kms from the RUIA Hospital) in the Sheshachalam forest region in the Srivarimettu area in Chandragiri Police limits in a four-wheeler vehicle. So we enquired at the Auto Rickshaw stand in front of the RUIA Hospital about getting a vehicle to go to the forest region. An Auto Rickshaw driver whose name is not known gave the cell number 09949929296 and asked us to contact that number. When we called that number the person who responded said that his name was Surya and that he had a 'Bolero' car and assured us that he would take us to Srivari forests. On that basis all 6 of us in the team set out at about 1.30 p.m.

Since the mud path that runs opposite to the Hanuman Temple situated on the Srivarimettu road, which is the path by which pilgrims walk to Tirupati Hills, is a rugged one, the vehicle in which we went broke down. Therefore we had to get down and walk to the spot. We walked on the road for about 45 minutes and then turned to a narrow path on the right and reached the place of incident after walking about 15 minutes on that path. Two Telugu Reporters (names not known) were at the place where the encounter allegedly took place before us and were taking videos and it is from them that we confirmed the spot. When we saw the place of incident we could not find any sign or evidence of any encounter having taken place there.

We examined an area of about 1 km around the place of incident but we could not find any red sanders wood. In fact there weren't any trees there. There were only tree saplings there. There wasn't any evidence that indicated that an encounter of two hours as reported by Mr. Kantha Rao, Special Task Force DIG to the Reporters had taken place. In an encounter that lasted two hours thousands of bullets would have been fired and the saplings in the place of incident would have been damaged but we confirmed that the saplings there were not damaged in the least. Moreover that was not a thick forest. That area was such that things at a distance of even 100 metres were clearly visible. Also, there were no blood stains or stumps of trees that had been cut at the spot. When we were inspecting the place of incident, towards the east of the place where 11 labourers were killed, a Red Sanders log of 6 feet length was lying. It was a log that had been cut much earlier and when Ms. Palaniammal of our team tried to lift it up she could not. Although some others too joined, they could not hold it upright. This log was brought by the Police on 07.04.2015. The team could

understand that after taking the dead bodies the police had left this log alone by oversight.

About 30 minutes later, after looking around the place of incident, the team returned. On reaching the pucca road, the team turned onto a narrow path on the left, walked for 30 minutes and reached the spot where the labourers were shot dead. In that spot too there were no signs of shooting. But there were food packets and water bottles strewn around in large numbers.

On 08.04.2015 at about 5.30 p.m. the team came out of the Srivarimettu forests and we were sitting at the Hanuman Temple by the side of the main road. At that time the Driver of the Reporter of Mathrubootham whom we had seen earlier saw us and spoke with us. He informed us that one of the persons who had come to cut Red Sanders had escaped and that a Lawyer from Nagari and Councilor Murthy knew about this. He also said that he had their phone numbers with him. The team asked him how he got the number and he said that the driver of the vehicle that came to get the body of one of the deceased had given it to him. Then he wrote on a piece of paper the numbers of the Lawyer from Nagari (9912220044) and Councilor Murthy (9952350579). Only on seeing Councilor Murthy in person did we come to know that he was not Councilor Murthy but Koundar Murthy.

On returning to RUIA Hospital we came to know from the Reporters at the Hospital that the relatives of the deceased Labourers had come to the Hospital. We got information that 7 more bodies had been identified and that their bodies would be sent to Tamil Nadu that night by Ambulance. Although the team attempted to see the relatives of the deceased who had come, since they were near the building where post-mortem was done, we could not meet them. So the team decided to go to the village of the deceased. Accordingly, the team divided into two and S. Palaniammal, Adv. Baskar, Dhanalakshmi and Aseerwatham went to Polur and Jamunamarathur Region and Adv. Ravi and Senthilraja went to the Sitheri Hills in Dharmapuri District.

On 09.10.2015 at about 1.30 a.m. we reached Polur and stayed at a lodge. At about 9.00 a.m. the next morning, a Reporter from Puthiya Thalaimurai contacted Ms. Palaniammal from our team over cellphone and asked, "We have got information that Sekar, the eye-witness who escaped from Tirupati is in your protection. Is this

true?" We informed the reporter that it was not true. Then we saw news being telecast on Kalaignar News Channel that the eye-witness was in the custody of an NGO. Then we contacted the number 9952350579 that we had got earlier and introduced ourselves. The person who responded said, "We had been searching for you. Where are you now?" We told him that we were staying at the nearby Polur. Then Koundar Murthy said, "Come to Pudur Village immediately. Sekar who escaped the encounter is under our protection. Come immediately." Our team hired a Tata Safari car and sped to Pudur Village at about 10.30 a.m.

When the team reached the Mariamman Temple in Pudur Village, the Panchayat President Santhamurthy, Koundar Murthy, the eye-witness Sekar, his wife Thanjaiammal and his son Prakash were waiting there. The Panchayat President pointed at Sekar and said that he was the one who had escaped before the encounter and that the others who had gone for work with him had died in the encounter. Then we asked Sekar about the incident. He narrated the incident in brief. Then on the basis of what the Panchayat President gave in writing, we assured that we would present the witness before the National Human Rights Commission and brought him with us.

ANNEXURE 3

Dr. Prof. P. Chandrasekaran, Forensic Expert

(Transcription of his interview in Vikatan TV on 14th April 2015)

(Full video available on <https://www.youtube.com/watch?v=RqXGbvfaBk>)

In the past 30 years, I have visited in person on the spot of the incidents and conducted the investigation in more than 23,000 cases.

The so called encounter held at Chandragiri forest Sheshasalam, 20 people were killed in an encounter which we call in English a cold blooded murder. When I saw all the dead bodies they were lying down and facing the sky. There were some crack marks in some photos where the dead bodies were dragged. In the same way, there were no big trees and there were only small bushes. When we saw the sharpen side of the log in this case there is no possibility to have letters on that.

When I saw the dead bodies, one person had a severe head injury and then only he was shot dead. In one dead body they had shot him from the nearest distance that is when there was a black shade on their stomach and of course the bullet had come out. When a person was killed by shooting while he was alive there will be blood, if they had shot them earlier after many hours there would be no blood.

Near a dead body there was a cell phone. I felt that this will become important evidence in this case. From this cell phone we can trace who called, when they called, which tower connected, from where the cell signal started. The cell phone will show many truths in this case.

Near a dead body and some other places, there were some supari or gutka coloured in green and some kind of snacks were also spread out there. If the finger prints are not destroyed from the so called gutka and other packets we can easily trace out whether it was finger prints of the deceased or someone else. For this they should have taken the finger prints of the deceased. I am not sure whether they did it or not.

One person who died might been put on the fire or nearby, due to that he had blisters and his skin was peeled off due to that. I suspected that all of them were shot dead when they were sleeping as they were almost half nudes make this suspicious. They might have killed them somewhere and brought them and put them there. The red wood was also brought from some other places because there was no such

trees near the place of occurrence, there were only bushes around. They must have been semi-conscious and after ten hours and that is why there is no blood. The entry wound is not red, it is blackish and the bullets have gone in.

There were many slippers in a box tied with a plastic bag. It is good to find out to whom these foot wear belonged to after studying the foot size. It could belong to people who brought these bodies or to people who came from outside.

A gang or a police troop if they were shooting, the men would have been running and the bullets would have made them fall on the way and if it is an encounter their bodies would have been scattered all over, a few bullet marks would have been visible on the trees.

Regards the story of the men pelting stones, there should be heaps of stones but this was not so, instead there were only rocks and this story cannot be true. They claim that they were killed in an encounter, this is a fabricated story in a crime or in an encounter it is a planned and premeditated killing.

ANNEXURE 4

Affidavit given by Mr. Sekar, S/o. Paramatha Koundar of Pudur Kollamedu village before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, P. Sekar, S/o. Paramatha Koundar residing at Pudur Kollamedu Village, in Anandapura Panchayat, Polur Taluk, Tiruvannamalai District do hereby solemnly state as follows:

My name is Sekar (54), S/o. of Paramatha Koundar and I reside at the above mentioned address. I belong to the Hindu Vanniyar community. I do not know to read and write. Thanjaiammal is my wife and my son Arul Prakash (25) and daughter Abirami (23) are studying Diploma Course in Mechanics and M.Sc Chemistry respectively. I own 1 acre of agricultural land. I had been cultivating sugarcane in 20 cents of this land. Presently, because of shortage of water the crops are drying up, I am finding it very difficult to eke out a living.

In this circumstance, on 06.04.2015 Mahendran (22), S/o. of Sivaji of our village who is related to me came to our house at about 8.00 a.m. and asked me if I wanted to go along with him for work outside the village to Chennai. When I asked him what kind of work it was, he said that it was construction work. I agreed and I told my wife and left at about 12.00 in the noon along with Mahendran. I did not take any belongings while leaving. I left with just the shirt and dhoti that I was wearing. Mahendran was clad in pants and shirt.

Both of us were standing at Kannamangalam Bus Stand, waiting for the bus at about 1.00 p.m. when I saw Murthy (40) and Munusamy (35) who are from my neighbouring village Murugampatti, standing in the shade of a tree on the opposite side of the road. When the bus came Mahendran and I boarded the bus through the steps at the front and sat on 2-seater seats. The other two men got on to the bus through the steps at the back and sat on the seats that were at the back. We reached Arcot Bus Stand at about 2.30 p.m.

In 10 minutes of reaching Arcot Bus Stand, we found a bus to Tiruthani. Murthy and Munusamy also got into that bus along with us. The bus reached Tiruthani at about 5.30 p.m. From Tiruthani Bus Stand we took another bus. Mahendran and I got onto the bus through the steps at the back and sat on a 3-seater seat at the

middle. Mahendran was seated by the side of the window while I sat next to him. In 15 minutes after the bus left, a woman who looked about 40 years old came and sat next to me. Only when the conductor of the bus called out 'Tirupathi' at the bus stop did I realise that the bus was going to Andhra Pradesh.

Mahendran and I were travelling in silence without talking anything. In 1 hour when we reached a stop, a man who looked about 30 years old, with a thick moustache, medium height and closely cropped hair and was not clad in any uniform, boarded the bus and came near the seat where we were sitting and asked Mahendran to come with him. Mahendran asked him who he was and the man caught hold of his shirt and said that he needed to talk with him and took him out of the bus.

I was shocked and agitated. I felt afraid. I did not know who took Mahendran. I was unable to speak anything and remained silent. Mahendran got down from the bus without saying anything to me. Ten minutes after the bus left I looked back to see whether Murthy and Munusamy were still in the bus. They too were not to be seen in the bus. I felt more afraid. I did not know what to do because I did not have any money with me and the persons who came with me too were now gone. When the bus reached the next stop I got down through the steps at the front. I did not have a ticket. I only had Rs.90/- with me which I had brought with me while leaving from home.

With that I went to the opposite side of the road and when a bus came I ascertained with the conductor that it would go to Tiruthani and got on to it. I took a ticket for Rs.26/- and reached at about 9.00 p.m. Since I felt that there wouldn't be many buses plying via Arcot at that night time, I took a ticket for Rs.47/- to Vellore in a bus and reached Vellore at about 11.30 p.m. Then I boarded a bus going to Tiruvannamalai and took a ticket to Kandamangalam for Rs.10/-. After reaching Kandamangalam I walked all the way from there to my house, a distance of about 13 kilometers, without food, anxious about the fact that someone had taken away the person who came with me. I reached home at about 2.00 a.m. I narrated all that had happened to my wife and told her that someone had taken Mahendran away. My wife served me supper and I slept later.

The next day, i.e. on Tuesday at about 6.00 a.m., I met Chitra, Mahendran's mother and told her that both of us were going for work and on the way from Tiruthani to Tirupathi someone took her son from the bus and so I had returned. She said that it would have been someone who knew him and she returned calmly saying that she would take care of it. Later at about 7.30 p.m. on Tuesday, Policemen showed Mahendran's photograph and said that he had been shot down in the forest region in Tirupathi.

There was a lot of commotion in the village. I did not go there.

When I heard about Mahendran's death I fainted at my house. Then I took ill. My son took me to the hospital on a two-wheeler. After getting treatment there, I was made to stay at Ammapalayam at my mother-in-law's place situated at a distance of 3 kilometres. Since Mahendran was my relative I went for his last rites and paid my respects. After that the Panchayat President, who saw my condition and learnt that I was the only witness who saw the Andhra Police taking Mahendran, felt that I could be harassed and introduced me to Mr. Aseervatham, the State Coordinator of the Citizens for Human Rights Movement, whom the panchayat president knew from before.

After that, with the help of persons from People's Watch, my wife, son and I travelled, changing 4 vehicles and stayed in a safe place. Persons from people's watch are currently also providing safety to our person and property. We have come here with their help. I have come here with full consent.

I fear for my life and that of my family members. I am placing my submission seeking protection for myself and family members. I fear that the police who killed 20 people will try to harm my life and threaten me.

Since I wanted justice for what had happened to Mahendran and others I took the help of persons from People's Watch to get my statement reduced into writing. This statement has been reduced into writing on my instructions, I have made the statement in Tamil and the same has been translated and written in English. The full statement has been read out and explained to me in Tamil and I affirm its contents.

Sd/-

P. Sekar

ANNEXURE 5

Statement given by Mr. Sitherimalai Balachandran, S/o. Harikrishnan before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, Balachandran, S/o. Harichandran, residing at Arasanatham Village in Sitheri Panchayat of Pappireddipatti Taluk in Dharmapuri District do hereby solemnly state as follows:

My name is Balachandran. I am 29 years old. Mr. Harikrishnan (55), S/o. Vellaiyan is my father and my mother is Mallika (40), W/o. Harikrishnan and I have a younger brother named Prabakaran (27). I have studied till 8th grade. I got married to Nirmala (25), the eldest daughter of Sadaiyanand Lakshmi who are residents of a village situated near mine in the year 2008. We have two children. My eldest child is Priyadarshini (7) and my second born is my son Ilayarasan(3).

I belong to the Malayali Scheduled Tribe community. Around 150 families reside in our village. All of them belong to the Scheduled Tribe Malayali community. A majority of the residents depend upon agriculture for their livelihood. All of us in our village own some agricultural holdings. Since rains have failed in recent times many of the villagers who had been doing agriculture are now in a situation where they are moving out of the village for other work in construction sites, brick kilns, poultry farms and coffee estates. We are extremely poor and live a hand to mouth existence.

When I went to Tirupaththur town for work a few months ago I got acquainted with one Mr. Palani. Coming to know that he was an Agent who recruited villagers for work in companies I left my contact number with him. Subsequently on 04.04.2015 when I was at home, at around 2.00 p.m. in the afternoon I received a call from Agent Palani. He said that there was work in Pondicherry and asked if I could bring men for work immediately. I agreed and Palani said that I should bring six men with me on Sunday to Alangayam and that he would wait for me there. So eight of us, i.e., I, along with my father Harikrishnan, S/o. Vellaiyan, my relative Sivakumar, S/o. Siththan, Lakshmanan who is my younger brother Prabakaran's father-in-law, Velayudham of Melavalavu, Sivalingam of Karkapatti and Venkatesan of Arasanatham got together at Koppanampatti Junction on 05.04.2015 at about 11.00 a.m. and got into a private bus to Tiruppur and alighted at Tiruppur Bus Stand. From there we

caught a bus and went to a place called Alangayam. Agent Palani, was waiting at a teashop there, and took us to a village called Nambiyampattu in Jamanamarathar Hills. Agent Palani put us up in a house on the outskirts of Nambiyampattu village. There was a woman in this house, we ate the food that she cooked for us and slept there.

The next morning i.e. on 06.04.2015 at about 10.00 a.m. we caught a bus from Nambiyampattu and came to a village called Kannamangalam. We ate at a hotel near the bus stand and then caught a bus to Arcot. At that time a person known to Agent Palani also joined us. I do not know his name, he but he was aged about 5 years and I I can identify him if I see him. This person and I went to a TASMACH outlet situated at a distance of half a kilometer from the bus stand without telling anyone and had liquor. Around half an hour later we came back to Arcot Bus Stand and looked for Agent Palani and the others who had come with us, however they were not to be seen at the bus stand.

Then the person who was with me called Agent Palani on his phone and Agent Palani told him that they had looked for us at the bus stand and since we were to be found nowhere they left by bus for Tiruthani and asked us to catch a bus and come to Tiruthani. So both of us caught a bus to Tiruthani and reached Tiruthani Bus Stand at about 7.00 p.m. Since no one who came with us were to be found at the bus stand, the person with me called up Agent Palani again. He seems to have replied that they were on their way to a place called Nagariputhur and asked both of us too to come by bus to Nagariputhur, however I am not sure about the entire content of the conversation between Agent Palani and the man with me. So from Tiruthani we caught a bus to Nagariputhur and upon reaching Nagariputhur Bus Stand I called my relative Sivakumar, who was with Agent Palani, from my mobile phone ([9655637356](tel:9655637356)) to his number ([8098329262](tel:8098329262)). At that time Sivakumar told me that Agent Palani had made the seven of them wait at one place and was coming to fetch me. Then I asked the person with me to speak to Agent Palani. After he spoke to Agent Palani he said to me, "Come let's go back to Tiruthani". I asked him why and he said that the Agent Palani had asked us to come back in the morning and that if we remained in Nagariputhur the police would arrest us. I could not understand why agent Palani said that the police would arrest us. Therefore we caught a bus from there and reached Tiruthani Bus Stand at about 11.00 p.m.

On the way, when the person with me called Agent Palani over phone, he did not pick up. Because of this the person who was with me said that the Police had caught Agent Palani but the persons who had accompanied me were not caught. He also said that if we waited for them the police would catch us too and went away leaving me. Then I called my relative Sivakumar over phone and the person who answered the call said, "Your men are here. So come to Tirupathi immediately." Since the voice was new to me I asked who it was but the person switched off the phone without replying. By this time I was extremely worried about what had happened to Sivakumar, my father and others.

I stayed back at Tiruthani Bus Stand that night and at about 4.30 a.m. I came to Arcot by bus. Then from there I caught a bus to Kannamangalam and reached at about 9.00 a.m. When I was having tea at Kannamangalam Bus Stand I saw the news being telecast on TV that 15 persons who had gone to smuggle red sandalwood were killed in an encounter with the police. At this time I did not identify my father from any of the persons shown on TV. I was very worried about my father since from what Agent Palani seems to have told the person with me, I feared that they had been picked up by the Police. However when I did not see my father or relatives on TV I called my brother Prabhakaran and told him that none of our people were amongst the deceased who were being shown on TV.

Then I went to Nambiyampattu village in Jamunamarathur hills which was the path by which we were brought. At about 2.00 p.m. a person called me from an unknown number. The person asked me, "Are you Balachandran?" When I said yes, he said that Sivakumar had died in the encounter and further asked me to identify from a newspaper if it was in fact Sivakumar who had died. I was able to locate a copy of the Dinakaran newspaper and realised with shock that these were people from my village who had died. After some time this person called again and I told him that the men whose photos were published in the newspaper were in fact people from my village including my father and relative and also identified them by name. I was at Nambiyampattu Village in Jamunamarathur Hills at this time. At the same time I heard some people in Nambiyampattu village saying that some persons who had gone from Nambiyampattu to cut wood were killed in an encounter and that when persons from Nambiyampattu village had been detained at the police station, one of them had escaped from there and others who were with him had been killed in the

encounter. Since I was extremely scared and in a state of shock I did not tell any of them that the persons who were killed in the encounter were from my village.

On Tuesday I came back to my village at about 7.00 p.m. Before I reached the village the Panchayat President of our village Mr. Murugesan had been informed by the Police Station. My younger brother Prabakaran had also been informed. I heard that Murugesan and Prabakaran had left for Tirupathi to claim the bodies of the deceased.

I came to know from the newspapers that the eight persons - my father Harikrishnan, S/o. Vellaiyan my relative Sivakumar, S/o. Siththan, Lakshmanan who is my younger brother Prabakaran's father-in-law, Velayudham of Melavalavu, Sivalingam of Karkapatti and Venkatesan of Arasanatham - whom I had taken along for work had been killed in the encounter in Tirupathi. I was the one who had last seen the eight deceased persons alive on the night of Sunday 06.04.2015 at Arcot Bus Stand.

I want to seek justice for what has happened to my father and my relatives, however I am extremely fearful that the police who killed them or other persons will try to harm me and my family members from preventing me from exposing the truth.

This statement has been reduced into writing on my instructions, i have made the statement in Tamil and the same has been translated and written in English. The full statement has been read out and explained to me in Tamil and I affirm its contents.

My Phone Number: [9655637356](tel:9655637356)

My relative Sivakumar's Phone Number: [8098329262](tel:8098329262)

Sd/-

A. Balachandran

ANNEXURE 6

Affidavit given by Mr. Ilango S/o. Muthu before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, Ilango S/o. Muthu, residing at Malakanavayoor village, Kanamalai Panchayat, Jawathu block, Paloor Taluk in Thiruvannamalai District do hereby sincerely state as follows.

My name is Ilango, S/o. Muthu, residing in the above address with our father Muthu (45), Mother Rajammal and my siblings Chidambaram (18), Ajitha (15), Simbu (5) and my sister Vennila (8). We are Hindu tribals. I have studied upto the 9th grade. My family are agricultural labourers. Because of no rain, we are financially struggling to make two ends meet. Looking at my poor economic condition my friend Panneerselvam of Malakanavayoor called me promising to get me a masonry job and I agreed to go along with him.

In the situation on 06.04.2015 around 9 am I took a set of clothes a shirt and a vaisti and put into a bag, at the same time Panneerselam came dressed in a white shirt and a blue jeans pant. We both went in an auto to Kannamangalam, and Panneerselvam took my telephone (the number is 9843583029) and kept talking to people till we reached Kannamangalam, where we had breakfast and were waiting.

In the afternoon around 1 pm, he told me to board a bus going to Vellore so I ran and boarded the bus. It was crowded so I got in at the back and Panneerselvam got in at the front and were seated in the bus. When we reached Vellore he asked me to get off the bus. From there we boarded a bus to Thirutheni. Around 6 pm, from Thirutheni we boarded a bus to Thirupathy. Around 8 pm the bus stopped and Panneerselvam asked me to get off the bus. Then I asked him the name of the place and he said that it was Nagariputhur. Panneerselvam then caught sight of two policemen in uniform, carrying guns standing near a Panipuri shop and he told me lets go, and we got into an auto. Within a few seconds the auto was surrounded by about 8 policemen with small guns who asked us where we have come from. Panneerselvam said that we have come for coolie work. They made us stand aside and kept talking on the phone to someone. In a few minutes a big vehicle (Eicher)

came, and they threw us into the vehicle like dogs and there were about 30 people or more in that vehicle. About 10 of them had guns so I presumed that they were policemen and the others were seated on the floor of the vehicle and we sat in a corner. It was very dark and we were unable to see each other's face.

This vehicle reached Kezhthirupathy around 10 pm (I had visited this temple earlier to I recognized the place) to the foot hills where the Ranger's Office was situated. Then the policemen standing there took photographs. I turned my face away. Then the police men who came with us got off the vehicle I jumped off the vehicle and sprinted away and hid behind a rock. It was around 4 am with no food, no water and in fear, later I reached the bus road. Around 8 am I saw 2 people on a two wheeler they were bald headed. I requested for a lift. They asked me where do I want to go. I told them that I wanted to go to Vellore. They told me that they would drop me off at Kezhthirupathy bus station and that I could board a bus for Vellore from there. They took me on their two wheeler and dropped me off at the bus station. From there I boarded the bus to Vellore and reached at about 1 pm. Then I boarded the bus to Kannamangalam and reached around 7 pm. From there I reached Melkanavayur around 8 pm and went home. I shared all this with my father and mother.

That night the bodies reached my village and I came to know that the men who were taken were shot down by the Andhra Pradesh police and my friend Panneerselvam was also one among the dead.

Yours truly,

Sd/-

(M.Ilango)

ANNEXURE 7

Visit to Victims' Villages

Dharmapuri District

1.Hari Krishnan

Malliga, 19, wife of diseased Hari Krishnan, Arasa Natham Village, Chitterikkadu, Harur Taluk, Dharmapuri district.

Mr. Hari Krishnan was used to go for wage labour-coolie work such as painting, construction work, and brick kiln work and taking up odd jobs to eke out a living of his family. As they do not possess any land, they were solely depending upon coolie work for the livelihood. Balachandran is his son who miraculously escaped from the clutches of death on the day of the incident as he had missed the bus ironically boarded the life. He left the village on 5th April Sunday afternoon but she came to know about the encounter deaths only on Tuesday. The fact finding team asked Malliga that who has informed about Hari Krishnan's death and did anybody from the district administration or department come to their house with a photo to identify Hari Krishnan or did any other member from the Tamil Nadu Government or AP Government visit the family? But Malliga said that nobody came to her house to inform the death of her husband and only through TV she came to know about the tragic incident as TVs have broadcasted the photo of those victims. From that photo she was able to recognise her husband and after that only they have gone to Tirupati to claim the dead body.

Responding to the question about the condition of the dead body which was handed over on 9th April, Malliga said that there were no eyes in the skull, both of eyes were plucked off and only she was able to see the hole stuffed with blood. There were no teeth and his forearm was missing from the body and she was able to recognise by touching the body. However, she was not able recall about the sustained bullet injury as the corpse was fully wrapped up in white cloth.

On the question of "did they perform any ritual/custom of Adivasis in the funeral, she replied that it was not done.

SAMIKKANNU- 30, Arasanatham village, Chiterikkadu, Harur Taluk, Dharmapuri District-a neighbourhood community fellow recalled that body was fully decomposed,

mutilated with bad odour and family members were not able to approach the body freely due to this condition. On 9th April, all 7 bodies of people killed in the police excessive action-from 3 tribal habitations such as Arasam Patti, Aalamarathu Valavu and Karukkam Patti, were handed over at 9.30 am and within an hour, at 10.30 am all bodies were cremated.

When Fact finding team member asked about the nature of ritual that prevalent among the families of Malayali Tribal communities, he said that as per ritual and custom, they used to bury the body in the soil pit not generally lit the fire. But if death occurred unnaturally or if post mortem done by cutting the body, they used to cremate.

2.Venkatesan

Kanaka Rani aged about 19 years and three months pregnant is the wife of Venkatesan who was murdered mercilessly by the STF.

She did not participate in the funeral event as the dead body was not shown to her and only face was shown or exposed to her. The entire body was wrapped up in the cloth. However, when she was able to touch the face and open the eyelid, she found that there were no eyes and only she noticed blood-stained holes. No teeth in the mouth and face were totally disfigured. She was so sure of damage of teeth and eyes in the body.

When she recalled the events of Sunday, Venkatesh informed Kanaka Rani that he has some painting work and he used to migrate to neighbouring districts of Salem, Erode, Namakkal for painting work.

She came to know about her husband's death through the local Tamil daily Dinathanthi and nobody informed her about the death. He did not carry cell phone but left at home. He also struggled for the livelihood without any employment opportunity and used to go for road laying work and construction related work.

Kanaka Rani is currently doing her B.Com first year but now she became a widow.

Accordng to Mathammal, 43, mother of Venkatesan, he was 24 years old. Mathammal has 2 children including Venkatesan and it was very sad that her husband died six months ago as they have means to take care of health aspects.

Venkatesan was generally worked as a painter and construction. He used to visit to Salem and Erode.

When asked what kind of trees being cut by these villagers and when Tribals were asked by others to cut trees, tribal communities without knowing a fact that whether forest department allowed them to cut, these villagers were forced to engage in the wood cutting. Without knowing the consequences of wood cutting and also a state of struggle for existence forced these tribal's to cut the trees. On the one hand, Tribals were illiterate to understand the consequences and on the other hand, they were offered a good packages-weekly some times each wood cutter earn Rs 40000 by cutting threes.

3.Sivakumar

Vijaya 23,wife of Sivakumar. Vijaya is Balachandran's elder sister and also daughter of Hari Krishnan, who was also killed in the so called encounter.

When asked on whose call they left the village to work outside on that fateful day of black Sunday, Vijaya said that nobody came to the village to take them or no agent came here but as usual, a group of 7 people left the village in search of jobs and to eke out a living with dignity. All affected people of these three villages, left together on Sunday as a group.

Vijaya noticed in the body of her husband that one side teeth was completely missing and a deep cut mark was noticed in the left side of chin. Face was suppressed and mutilated. Eyes were opening up from the eyelid and blood stain was there. Sivakumar used to go for painting work in the neighbouring districts of Salem, Coimbatore and Dharmapuri. He used to do take up a contract work for painting apartments and multi storied buildings and he did not own a cell phone as there was no tower in the village and only people use mobiles rarely. She said that her mother in law- Sarajo, (mother of Sivakumar) handed over a mobile phone for her son and was cautioning that for safety only she wanted him to take a mobile phone. Vijaya did not know that for what work, Sivakumar left the village.

4.Arasanatham Lakshmanan

Unnamalai, 40, wife of Arasanatham Lakshmanan

Lakshmanan was generally engaged in the construction or masonry work in other districts. She has a son and a daughter in the family. She came to know about her husband death through the photograph which was published in the media. But nobody from the State government or any other department came with a plea on photo identification. She identified from the body of her husband that tongue was cut and she did not find any other marks as body was completely damaged and gave to them as a bundle of substance not as a living subject.

5.Velayudham

Padmini 26, wife of Velayudham

She has a daughter to take care at this crisis hour. Her husband Velayudham who was killed by the STF on 7th April was working as a painter and frequently goes for painting work.

Ramamurthy, 23, Younger brother of Velayudham told that the villagers of 62 Malayalee tribal habitations of Chitheri Hills are struggling for existence without any basic sources of livelihood like land, water and other economic productive means and these villages do not have any access to basic services such as link road, communication, health, education etc. This deprived condition of continuous abject poverty, landlessness, food insecurity, and ignorance and illiteracy trap them in to hunger, malnutrition and unemployment. This is forcing us and all of our villagers to search for employment opportunities in Andhra Pradesh, Kerala and Karnataka. Thus they move to these states as migrant wage workers. They used to go for agricultural, plantations of Mysore and Kerala, Construction work in Chennai and other places, brick kiln work, and painting and other odd jobs. Villages used to migrate to Kerala for cutting woods as these tribal communities are skilful in forestry work as they were hunters, gatherers and pastoral communities. When the agents are intruding in to the villages and offer a catchy and attractive wages, they are forced to choose these kinds of wood cutting and villagers do not know about the illegality due to sheer ignorance.

He came to know about his brother death through Television news and when noticed the dead body on 9th April, he noticed that there was no left hand and fully exterminated from the body. Eyelid was out and deep cut wound was noticed and eyelid was coming out and blood was oozing out from the eye. Witnessing these dead bodies it is a heart rending scenario and it is a strong human rights violation.

According to Ranganathan, 22, of Oottaikkadu-Brother in Law of Velayudham, when he witnessed the dead body, he noticed that eyes were coming out and 6 teeth were broken and body was in mutilated conditions.

6.Lakshamanan of Arasanatham

Lakshamanan s/o Lakshamanan. Annadurai, 26, brother in law of Lakshamanan. Kuppayi, 42, Mother of Lakshamanan

Lakshamanan was attending all types of unorganised work such as construction work, painting work and other allied works. When television relayed the photos of 3 persons which were clear and able to locate and identify as our village folks and Lakshamanan was also a part of a team whom shot dead by STF. Then with doubts, he went to browsing centre to search others.

She noticed burn in the chin and fingers of left leg was chopped off and thus horrendous forms of violence and torturous practices was unleashed against politically powerless, economically not empowered, socially suppressed downtrodden as well as historically most marginalised, and culturally subjugated without any assertion of their rights, identity, dignity and freedom.

There was a bullet mark injury on the head of Lakshamanan and 2 teeth found missing also. A small hole was noticed in the chin and this may be inflicted by the gun butt with a knife attached in the gun. But he was not able to see the head.

7.Sivalingam

Chinna Pappa, 43, wife of Sivalingam, Karukkam Patti village

Chinna pappa has 2 sons and 3 daughters to take care of now without Sivalingam. Sivalingam worked in Brick Kiln and coffee estates and plantations as a plantation

worker. He left the village on Sunday saying that he was going to Mysore coffee plantation work. He was not carrying a mobile phone and there is no tower also. She was able to feel that after touching the body of Sivalingam, left hand was fractured. Head was smashed and bullet mark was also noticed. She also noticed bullet mark and blood was oozing out from the eyes, in some of the places of body, blood clot was there.

Tiruvannamalai District

1. Paneerselvam

S/O Ramasamy, age 25. Kanamalai Panchayat, Polur Taluk, Tiruvannamalai District Village - Melkanavayur but met the victim's family at Keelkanavayur Village

lakshmi ,20 , first son is in the 6th std. Daughter sanjana, age 8 months old. His brother is working in a post office as assistant in Navalur, Chennai. He was a coolie and does masonry work as well. Has worked in Chennai, Coimbatore. Has also worked in a wine shop.

Prior to the incident, Paneerselvam was in the village for one month. 2 days before the incident, he left the village. Parents and wife weren't at home when he left. (Ilango's statement adds more details from the time Paneerselvam had left village). Ilango, the witness who escaped is a friend of paneer selvam.

Jamnamarathoor police showed his picture for identification on the 7th April. The family has his dead body picture given by the police. The encounter spot is 250-300 kms far from this village.

2. Chinnasamy

Age - 45, wife – Malar,35, Melakupchanur Village, Nammiyampattu Panchayat, Polur Taluk, Tiruvannamalai District. Daughter - Sumathi (married),23 years old. Son Murugan ,8 years old.

Does work such as of centring, painting and masonry. He left his village on April 6th and said he was going for a centring job Rajendran took him. On Wednesday, 8th Jamnamarathur police showed the photo of dead body and asked for identification.

The panchayat president along with vice president and other, went to Tirupathi on Wednesday to identify the bodies. The body was handed over in the Tirupathi hospital around 1 AM on 9th April.

3. **Govindasamy**

Age - 35 S/O Sadaiyan. Wife Muthammal. Melakupchanur Village, Nammiyampattu Panchayat, Polur Taluk, Tiruvannamalai District

4 children – Chidambaram, 13 years, murugan,10, (studying), Sreesha, 5 years and sowmya, a baby

Job – painting. Goes to Kerala sometimes with the family and stays for 2-3 months and works in coffee plantations. This is the first time he has gone alone to work. He told the family that he was going with Chinnsamy. He has getting wages of Rs 2000-4000 for 2-3 weeks work.

4. **Rajendren**

Age- 24. Melakupchanur Village, Nammiyampattu Panchayat, Polur Taluk, Tiruvannamalai District. Wife – Nadiya , 20 . She is 2 months pregnant. Have been married for a year. Said that he was going to Kerala to get the remaining money. Both came back from Kerala only a few days earlier. Since he is a regular worker in Kerala, he collects money a bit later at times. He has night blindness (as he has a lump on his forehead) , so cannot work at night at all.

5. **Vellimuthu**

Age - 20 , S/o Vellaiyan . Melakupchanur Village, Nammiyampattu Panchayat, Polur Taluk, Tiruvannamalai District

He has hearing impairment and therefore cannot communicate much by speech. He had worked in the village for 2 days before the incident. Both his parents had died. He has 3 brothers - Venkatesh, 30 years old, Krishnamoorthy, 25 years old who has also speech and hearing impairment. Ramesh is aged 16. Elder brother is married and works in Karnataka with his wife and child for the past 4 months.

The police came to the village on the 7th of April and asked for identification of 8 photos. The villagers identified the first photo as Rajendran and others were identified by seeing photos on the mail of a reporter. 4 bodies were brought in 2 ambulances.

Normal wage per day is Rs 250/- . Now they were offered around 500-1000 or Rs 10000-15000 for 2 weeks. Agents come from downhill and call workers. They are not aware of where exactly they will be taken to work.

It has to be noted that villagers say they go to Kerala to work, but they also refer to Chikmangalur as Kerala. They often go to work outside their village to work after the month of Thai (Tamil Month).

6. **Pazhani**

He is a tailor by profession. Kalasamuthiram panchayat, Polur Taluk, Tiruvannamalai District

On Monday, the 6th April, he went out at around 3 PM to buy thread and buttons to Kannamangalam . On Tuesday night around 9 PM , the police showed his photo in their cell phone and asked them to identify.

He has never gone out to work before. He has a two wheeler with number TN25AT4806, make name 'Hero Honda Apache'. Where about of the vehicle is not known. The bike key and cell phone are in Tirupathi police station. He has a wife and 42 day old child.

His brother – Balaji spoke to Pazhani at around 9 PM. Pazhani said he will talk to him once he reaches home. He has never been to Tirupathi ever before. The contact details of them are Balaji – 9600870576 and Pazhani – 9003632770.

7. **Perumal**

Vettagiripalayam Village (Nulambu), Padaveedu panchayat, Polur Taluk, Tiruvannamalai District

He left home around 12 noon on the 6th April. He said that he was going to Kerala to work. Normally for every visit stays there for 7-10 days. His is survived by his wife Selvi, daughter aged 16 -7th std, son sivasankar, aged 9 who studies in the 4th std. His contact number was 8056685397. When his wife called on 7th April around 4-5 pm and it was switched off. The phone is not handed over.

8. Mahendran

Age- 22 years, Pudur Gandhi Nagar Village, Padaveedu panchayat, Polur Taluk, Tiruvannamalai District. Mother Chitra, has 2 brothers namely Madan 25 years old and devan 10 years old.

He has studied in Open University. Working in Chennai for the past 5 yrs. comes fortnightly. He has worked in Pondicherry also. He left home on 6th April at 11 AM. He went with Sekar who deposed before the NHRC and a witness in the case. His photo was shown by the police for identification. The family members observed that his tongue was protruding.

9. Moorthy

Murugapadi village, Anandapuram panchayat, Polur Taluk, Tiruvannamalai District. Wife's name is Pachiammal ,aged 20 years and have an 8 month old daughter Kavya. Been married for one and a half years. Parents were also present to when the fact finding team met them.

He used to do supply work , catering contract, earned approximately Rs. 300 per day. He left home at 3 pm on 6th April. His wife called him from her mother's ph.(9500911203) on Tuesday 3 PM but his phone was switched off. Again called him from Cell no9789214034.

Police showed photograph of the dead body. His hands had acid burn marks, lacerated wounds, bloodmark on chest as seen on the body.

10. Munusamy

Murugapadi village, Anandapuram panchayat, Polur Taluk, Tiruvannamalai District

He is survived by his wife Thanjammal and 2 children. One of them is two years old. He used to do supplier work in catering contracts. Usually Moorthy and Munusamy go together for work. On the 6th April, he got ration supplies for house and left them in the house. After that he left around 12 noon. His contact number was 9688809790.

His mother with phone number 8608631924 called on Tuesday 11 AM as the child wanted to speak to him, but could not get through. His wife mentioned that his face was unrecognizable and disfigured with acid burn when the photograph was shown.

She did not believe it was her husband. Then they showed another photo with his clothes on. They said his cell was in his pocket but police have not given it back.

11. Sasikumar

Vettagiripalayam village, Padaveedu panchayat, Polur Taluk, Tiruvannamalai District

He is survived by his wife Muniyammal . His wife had gone to give a petition in High Court of Andhra Pradesh in Hyderabad. She has given the complaint in Chandragiri police station. Only parents were present to meet the fact finding team. Two sons aged 4 and 2 were with his parents.

He is a painter and usually worked with Murugan. Left around 12 noon on the 6th of April. His contact number is 8220808096. Murugan's neighbour had called on 7th April but his phone was switched off.

12. Murugan

Age – 38 year, Vettagiri Palayam Village, Padaveedu panchayat, Polur Taluk, Tiruvannamalai District

He is survived by his wife Thanjiammal. Parents were also present to meet the fact finding team. 2 daughters Hemalatha 18yrs is married and Kumutha, 13 years is studying in the 8th std. His son in law works in VIT college.

He is a painter by profession. He used to earn RS 300 per day. He left with Munusamy on 6th April around noon. The family members had called around 7 PM that evening but his phone was switched off. The family members saw the TV on 7th April and came to know about the news of his killing.

The bodies came to this village in 4 ambulances

All the victims' families received compensation of Rs 6,50,000. The Tamil Nadu Government gave Rs. 3,00,000, AIADMK Party gave Rs. 2,00,000, DMK Party gave Rs. 1,00,000 and DMDK Party gave Rs. 50,000.

ANNEXURE 8



People's Watch

No.6, Vallabai Road, Chokkikulam, Madurai - 625 002.
Phone: 0452-2531874 & 2539520 Fax: 0452- 2531874
E.mail: info@pwtm.org Web: www.pwtm.org

Human Rights and Democracy Program in Tamilnadu Intimation for High Level Human Rights Fact Finding

To,

1.The Director General of Police (DGP)
Andhra Pradesh
ig@pcs.appolice.gov.in

2. Sri B.Balakrishna, IPS
D.I.G./I.G./Additional D.G. of Police,
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3.Sri P.H.D. Ramakrishna, IPS
The Superintendent of Police, Chittoor District
spctr@appolice.gov.in

4. A.V.Joseph, IFS
Principal Chief Conservator of Forests,
(WI, CWLW) i/c (Hoff)
Aranya Bhavan,
Opp. To R.B.I., A.G.Office Road, Saifadbad, Hyderabad
prlccf_wlcww_apfd@ap.gov.in

Dear Sir,

People's Watch is a national human rights organization with its inception in the year 1995. It is engaged in the area of human rights monitoring, legal intervention, human rights education, campaigning, research and rehabilitation. It also undertakes human rights fact finding undertaken under our ***fundamental rights in Art 19 & 21 of the Indian Constitution, under the Fundamental Duties in Art 51(a) of the Indian Constitution, Article 19 of the Universal Declaration of Human Rights 1948 and under Art 6 and 13 of the United Nations Declaration on the Rights and Responsibilities of Individuals, Group and Organs of Society to Promote and***

***Protect Universally Recognized Human Rights and Fundamental Freedoms
1998.***

It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of 'Encounter death' that is alleged to have taken place in Seshashalam Forest in Chandragiri Mandal, Chittoor District of Andhra Pradesh. It is therefore proposed by us to depute a high level fact finding team led by Justice H.SURESH, [Former Judge of the Mumbai High Court] Mr. SATYABRATA PAL, [Former Member of the NHRC] ADV.AJEETHA, [Advocate, Madras High Court] Dr. SAVIOUR SURESH, [Forensic Expert] Prof. JAWAHIRULLAH, [MLA – Tamilnadu], Mr. RAM MOHAN IPS [Retd DG, BSF] and myself accompanied by five of our assistants to undertake a human rights fact finding on 14th & 15th April'15 and report the same to the headquarters. The Mobile No of the contact - 9894025859

We wish to bring this fact finding to your kind attention and also inform you that the Members of the FF who are very respected citizens of the country will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also "know, seek and obtain" information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

We wish to also inform you that we plan to visit the encounter spot tomorrow in the morning and if there are any objections to the same, the same may be communicated to us in writing so that we seek redress from the Hon'ble NHRC in this regard urgently.

Madurai
Date: 13.04.2015



[Henri Tiphagne]
Executive Director, People's Watch, Tamil Nadu
(Mobile Number: 9894025859)

Copy to:

1. The Chairperson
National Human Rights commission
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2. Shri A. K. Parashar
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ANNEXURE 8



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Human Rights and Democracy Program in Tamilnadu

Intimation for High Level Human Rights Fact Finding

To,

1. Mr. Ashok Kumar IPS
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Collectorate,
Vellore District.
collrvel@tn.nic.in

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It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of 'Encounter death in Seshashalam Forest in Chandragiri Mandal, Chittoor district of AP' that is alleged deceased victims from Vellore, Thiruvannamalai and Dharmapuri Districts of Tamil Nadu. It is therefore proposed by us to depute a high level fact finding team led by **Justice H.SURESH, [Former Judge of the Mumbai High Court] Mr. SATYABRATA PAL, [Former Member of the NHRC] ADV.AJEETHA, [Advocate, Madras High Court] Dr. SAVIOUR SURESH, [Forensic Expert] Prof. JAWAHIRULLAH, [MLA – Tamilnadu], Mr. RAM MOHAN IPS [Retd DG, BSF] and myself accompanied by five of our assistants** to undertake a human rights fact finding on **14th & 15th April' 15** and report the same to the headquarters. The Mobile No of the contact - 9894025859

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Madurai
Date: 13.04.2015



[Henri Tiphagne]
Executive Director, People's Watch, Tamil Nadu
(Mobile Number: 9894025859)

Copy to:

1. The Chairperson
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ANNEXURE 9



Hired TN labourers to be sensitised

AP police plan meet with TN counterparts to curb red sanders smuggling

14-3-2015

K. Umashanker

CHITTOOR: Deputy Inspector General of Police (Red Sanders Task Force) M. Kantha Rao has said that a high-level meeting is being planned with the DIG (Vellore) of Tamil Nadu to sensitise the labourers who are being hired from north-western districts of Vellore, Tiruvannamalai and Salem for felling red sander trees in AP. The move aims at educating the labourers not to fall prey to the smugglers.

Speaking to *The Hindu*, Mr. Kantha Rao said that even as armed police parties were combing the Seshachalam Hills to curb the smuggling activities, many a times poor labourers were getting killed during encounters. "We want to avoid opening fire at the labourers on humanitarian grounds as most of them are poor and mis-

Awareness DRIVE

Red Sanders Task Force plans meeting with TN police to educate labourers being hired for felling red sander trees

- ▶ Many poor labourers are being hired from north-western districts of TN such as Vellore, Tiruvannamalai and Salem
- ▶ The move aims at educating the labourers not to fall prey to the smugglers

HUMANITARIAN ACTION PLAN

- ▶ Police want to avoid opening fire at the labourers on humanitarian grounds as most of them are misguided by smugglers, says the Deputy IGP

By educating the hired labourers and providing them with alternative livelihood in Tamil Nadu itself, the smuggling menace can be curtailed to the maximum level

M. KANTHA RAO, Deputy IGP (Red Sanders Task Force)

guided by smugglers. With the hired work force getting killed in encounters, their family members suffer a lot," he said, adding that the combing parties open fire as the last resort to defend themselves from the unpredictable

attacks by the smugglers. "With an aim of implementing a humanitarian action plan, we are going to hold a meeting with our TN counterparts at Vellore soon. By educating the hired labourers and providing them with al-

ternative livelihood in Tamil Nadu itself, the smuggling menace can be curtailed to the maximum level," the DIG observed.

The official pointed out that local political influence had become a major concern while dealing with the smuggling activities. Citing an example, he said that three local leaders in Bhakarapet were found to be involved in indiscriminate red sander smuggling. "The trio have allegedly amassed more than Rs 200 crore in a few years. Two of them have been booked under the Preventive Detention Act, while another is still at large," he said, adding that the personnel had been strictly instructed not to yield to political pressures.

Mr. Rao held a meeting with the police and forest officials of Piler division on Friday morning and took the stock of anti-smuggling drive.

ANNEXURE 11











ANNEXURE 12



ANNEXURE 13



மரக்கட்டைகளைக் காப்பாற்ற, தமிழகத்தைச் சேர்ந்த 20 தொழிலாளர்களைச் சுட்டுக் கொன்று கரிக்கட்டைகளாக்கி காட்சிக்கு வைத்தது ஆந்திர போலீஸ். அவர்கள் செய்தது கொலை அல்ல... என்கவுண்டர் என்று அதை நியாயப்படுத்திக்கொண்டிருக்கிறது சந்திரபாபு நாயுடு தலைமையிலான ஆந்திர அரசு.

இரண்டு மாநிலங்களில் பதற்றத்தை ஏற்படுத்தி இருக்கும் இந்த விவகாரத்தை நீதிமன்றத்துக்குக் கொண்டு சென்று, சரியான பாதையில் அடியெடுத்து வைத்திருக்கிறது ஏ.பி.சி.எல்.சி என்று அழைக்கப்படக்கூடிய ஆந்திர மாநில மனித உரிமைகள் குழு. அந்த அமைப்பின் பொதுச் செயலாளர் சிக்கல சந்திரசேகர் தாக்கல் செய்த வழக்கில்தான், “என்கவுண்டரில் ஈடுபட்ட அனைவர் மீதும் கொலை வழக்குப் பதிவு செய்யவேண்டும்” என்று ஆந்திர உயர் நீதிமன்றம் உத்தரவு பிறப்பித்தது. அந்த வழக்குத் தொடர்பாக ஏ.பி.சி.எல்.சி அமைப்பின் இணைச் செயலாளரும் வழக்கறிஞருமான கிரந்தி சைதான்யாவிடம் பேசினோம்.

“சுட்டுக் கொல்லப்பட்ட 20 தமிழர்களும் உண்மையில் செம்மரக் கட்டை கடத்தல்காரர்களா?”

“அனைவரும் அப்பாவிக்கூலித் தொழிலாளிகள். அவர்களில் பலர் தாங்கள் எதை வெட்டிக்கொண்டிருக்கிறோம் என்று அறியாதவர்கள். தச்சு வேலை, தையல் வேலை என்று சொல்லி, காட்டுக்குள் அழைத்து வந்து மரங்களைச் வெட்ட நிர்ப்பந்திக்கப்பட்டவர்கள்.”

“செம்மரம் வெட்டியவர்கள் எங்களைத் தாக்கியதால், நாங்கள் அவர்களைச் சுட்டுக் கொன்றோம்” என்று போலீஸ் சொல்கிறதே?”

“கூலித் தொழிலாளிகள் எங்களைத் தாக்கினார்கள் என்று சொல்வது சுத்தப் பொய். தாக்குதல் நடந்திருந்தால், அது என்ன மாதிரியான தாக்குதல்? ஆயுதங்களை வைத்துத் தாக்கினார்களா? ஒருவேளை அவர்கள் தாக்குதல் நடத்தியிருந்து, அதன் காரணமாக போலீஸ்காரர்கள் எதிர்த் தாக்குதல் தொடுத்திருந்தால், அந்தத் துப்பாக்கிச் சூடு கண்மண் தெரியாமல்தான் நடந்திருக்கும். அதில் பலியானவர்களுக்கு தலை, முதுகு, மார்பு, கை, கால்கள் என்று பல இடங்களில் தோட்டாக்கள் பாய்ந்திருக்கும். ஆனால், இங்கு

08

ஐனியர் விகடன் 19.4.15
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கிடத்தப்பட்டுக் கிடந்த எந்தத் தொழிலாளியின் உடம்பிலும் அப்படி கண்ட இடங்களில் காயம் ஏற்படவில்லை. சரியாக மார்பில் தோட்டாக்கள் பாய்ந்துள்ளன. வரிசையாக நிற்க வைத்து, பின்னால் கைகளைக் கட்டி, அவர்களுக்கு நேருக்கு நேர் நின்று சுட்டால்தான் இது சாத்தியம்.”

“தற்போது ஆந்திர உயர் நீதிமன்றம் என்கவுண்டரில் ஈடுபட்டவர்கள் மீது கொலை வழக்குப்பதிவு செய்யச் சொல்லி உள்ளது. இது உங்கள் முயற்சிக்குக் கிடைத்துள்ள வெற்றிதானே?”

“2014-ம் ஆண்டு பி.யூ.சி.எல் அமைப்பு vs மகாராஷ்டிர மாநில

அப்பாவி உயிர்கள் என்கவுண்டர் என்ற பெயரில் பறிபோவது முற்றிலுமாக நிறுத்தப்படுவதே எங்கள் நோக்கம்.”

“இந்தப் பிரச்னை இரு மாநிலங்களுக்கு இடையிலான பிரச்சனையாக உருவெடுத்துள்ளது பற்றி?”

“இறந்த கூலித் தொழிலாளர்களை தமிழர்கள் என்றோ, தெலுங்கர்கள் என்றோ பார்ப்பது தவறு. அவர்கள் மனிதர்கள். அநியாயமாக அவர்களின் உயிர்கள் பறிக்கப்பட்டுள்ளன. அதற்கு நீதி கேட்டுப் போராட வேண்டியது

இது தமிழர், தெலுங்கர் பிரச்னை அல்ல!

ஆந்திர மனித உரிமை அமைப்பு வழக்கறிஞர் பேட்டி

அரசு வழக்கில் தீர்ப்பளித்த உச்ச நீதிமன்றம், என்கவுண்டர் விவகாரத்தில் சில விதிமுறைகளை வகுத்தளித்து தீர்ப்பளித்தது. அதில், என்கவுண்டர் திட்டம் தீட்டியது முதல் போலீஸ் டைரி மெயின்டெயின் செய்ய வேண்டும். என்கவுண்டரில் ஈடுபட்டவர்கள் மீது கொலை வழக்குப்பதிவு செய்யவேண்டும். அவர்கள் மீது துறைநீதியான நடவடிக்கைகள் மேற்கொள்ள வேண்டும். அவர்களிடம் இருக்கும் ஆயுதங்கள் அனைத்தும் பறிமுதல் செய்யப்பட வேண்டும் என்று கூறியுள்ளது. அதன்படி, இந்தத் தீர்ப்பு வந்துள்ளது. இதையடுத்து இதில் எத்தனைபேர் மீது போலீஸ் வழக்குப்பதிவு செய்யப்போகிறது? அவர்கள் மீது துறைநீதியாக என்னென்ன நடவடிக்கைகள் எடுக்கப்படப் போகின்றன என்பதை எல்லாம் பார்க்க வேண்டும். அத்துடன் வழக்கை சரியான திசையில் கொண்டு சென்று, இந்தக் குற்றத்தில் ஈடுபட்டவர்களுக்குத் தண்டனை வாங்கித் தர வேண்டும். இனிமேல் இதுபோன்று அரசியல், அதிகாரவர்க்கம், மாஃபியாக்கள் கூட்டுச் சேர்ந்து நடத்தும் நாடகத்தில்

ஒவ்வொருவரின் கடமை. அந்த 20 உயிர்களும் ஆந்திர எல்லையில் ஆந்திர மாநிலக் காவல் துறையால் பறிக்கப்பட்டுள்ளன. ஆந்திராவில் அந்தத் தொழிலாளர்களுக்கு அநீதி இழைக்கப்பட்டு உள்ளதால், அவர்களுக்கான நீதியைப் பெற்றுத் தர வேண்டிய தார்மிக கடமை ஆந்திர மக்களுக்குக் கூடுதலாக உள்ளது. ஆனால், இதை இரண்டு மாநிலப் பிரச்சனையாகப் பார்க்க முடியாது.”

“தமிழக அரசாங்கத்திடம் இருந்து என்ன மாதிரியான நடவடிக்கைகளை எதிர்பார்க்கிறீர்கள்?”

“தமிழக அரசு இந்த விவகாரத்தில் நீதி விசாரணை முறையாக நடக்கிறதா என்பதைக் கண்காணிக்க வேண்டும். செம்மரங்கள் விளைவது ஆந்திரா என்றாலும் அவை வெளிநாடுகளுக்குக் கடத்தப்படும் வழித்தடங்கள், ரயில் பாதைகள், கடல் வழிகள் எல்லாம் தமிழகத்தில்தான் உள்ளன. தமிழகத்தில் இருந்துதான் அதிக எண்ணிக்கையில் கூலித்

