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India: Probe allegations of unnecessary use of force and drop fabricated charges against anti-nuclear protestors in Tamil Nadu

Authorities in the southern Indian state of Tamil Nadu should order an independent and impartial inquiry into the allegations of unnecessary use of police force on anti-nuclear protestors, which injured 32 of them, at the coastal Kalpakkam nuclear complex, 50 km from Chennai city on 26 March, Amnesty International said today.

Fabricated charges, including attempt to murder, levelled against 18 of the protestors, arrested and now released on bail, should be dropped, Amnesty International said.

The protestors have been peacefully demonstrating demanding an immediate halt to further expansion of the Kalpakkam nuclear complex, transparent monitoring of radiation levels, and the provision of electricity and opportunities for jobs and education to six villages around the complex on par with those afforded to those working at the nuclear complex.

After the failure of two rounds of talks with the authorities at the nuclear complex authorities during 20-25 March, the protestors started blocking the roads at three different venues in front of the nuclear complex on 26 March. The police claim that the protestors turned violent, but a fact-finding team led by a Chennai-based human rights defender, A Marx, has found no evidence to support this claim.

Eyewitnesses informed Amnesty International that, within half an hour of the commencement of the protest, the police asked 18 of the protestors to sit in a van so that they could speak to them. However, they then arrested these protestors and baton charged the other demonstrators sitting on the road, injuring 32 people, eleven of whom had to be admitted to a hospital for treatment.

The 18 arrested protestors, who have been released on bail, face several criminal charges including murder, rioting with deadly weapons, damaging public property, kidnapping, criminal intimidation and assaulting and injuring public servants on duty. These charges have also been levelled against 300 other unnamed protestors. Members of local communities have told Amnesty International that they fear that these charges could be used to harass or intimidate persons who have been critical of the nuclear complex expansion plans.

Amnesty International reminds the authorities in Tamil Nadu that under the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police must use non-violent means before resorting to use of force. They must also use force only in proportion to the seriousness of the situation. The arbitrary or abusive use of force or firearms by law enforcement officials must be punished as a criminal offence.

Authorities in Tamil Nadu must ensure that all allegations of the use of arbitrary or abusive force, unlawful or arbitrary arrest and detention, and ill-treatment of protestors are investigated promptly and thoroughly. The findings of this investigation should be made public and those responsible, including those who committed, ordered, condoned or failed to prevent such violations, must be prosecuted in proceedings that meet international fair trial standards.

Amnesty International urges authorities to hold full consultations on the expansion plans of the Kalpakkam nuclear complex with those likely to be affected, including with activists and non-government organisations and other representatives of affected communities. Such consultations are vital to safeguarding the rights of local communities. The Tamil Nadu government should ensure that individuals and activists engaged in peaceful protests against these plans should be able to do so without fear or violence, harassment or false accusation of involvement in criminal activities.

Background

After the March 2011 Fukushima nuclear disaster in Japan, Tamil Nadu has witnessed a prolonged protest against nuclear energy. The agitation, led by the People's Movement against Nuclear Energy (PMANE), is against the commissioning of the Kudankulam nuclear reactor complex built with Russian assistance at a distance of 800 km from Chennai city and the expansion of the existing Kalpakkam nuclear reactor complex, parts of which were inundated by the December 2004 tsunami which hit the Indian Ocean.

PMANE leaders and more than 50 protestors in the coastal Idinthakarai village, barely two kilometres from the Kudankulam complex, face several charges including sedition, rioting with deadly weapons and attempting to assault public servants. If tried and convicted they could face life imprisonment.

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