

Appeal for Urgent Action

I am reporting to you for your urgent attention and constructive engagement of all stakeholders in political regime a very disturbing development in Karnataka State in India against a woman journalist living and working in Kerala State. Her name is Shahina KK. Mother of a child, she has been acknowledged and been awarded for best reporting. She is committed and has not been implicated in any criminal/terrorist activity or association till date. She is news reporter of *Thehelka* magazine that has been known for its non-conformist stance in the matter of corruption, communalism and nexus between mafia and politicians.

Ms Shahina, who lives at Thiruvananthapuram is now facing harassment and intimidation from the Karnataka Police. The charges alleged against her under Sections of 34, 149 and 506 of Indian Penal Code are (i) unlawful assembly with common object of committing crime, and (ii) criminal intimidation of prosecution witnesses.

Mr. Madhani, leader of a political outfit called 'People's Democratic Party' (PDP), is in prison in Bangalore (Karnataka State) for his alleged involvements in Bangalore blasts in 2008. Madhani was in prison for more than 9 years in Coimbatore (Tamilnadu) again for his alleged involvement in explosions in Coimbatore in 1998. After 9 years of imprisonment without a trial, he was finally acquitted in that case. The prime accused in these explosions were Muslims and consequently there were many communal implications inviting wrath of Hindu fundamentalist groups. For these reasons, Madhani has been targeted by Hindu extremists for last many years.

(I am not making any judgment on the merits of the prevailing court cases against Madhani. I was trying to explain the background of how Ms Shahina happened to be a victim of religious hate and prejudices.)

Shahina is known to me for more than 20 years. She was born of Muslim parents in Thrissur district in Kerala. She grew a strong and active member of the youth wing of the Communist party. For that matter she had to distance herself from her own religion and family. She married a Hindu and lives happily. Never, ever had she any association with any religious group or terrorist faction. She is known through media, print and visual, for her strong affinity and commitment for secular values and democratic rights. As a reporter, she is straight, honest, fearless and scrupulously self critical in accomplishing her duties in investigative journalism.

Ms Shahina went to Kodagu (also called as Coorg) in Karnataka state on 16th November 2020 along with two persons, including one translator (*'Kannada' is the language in Karnataka and Shahina does not know the language*). The translator was a stranger to Shahina and hence she requested a friend of her to accompany her for safer reasons. The purpose of her visit was to interview three persons who reportedly had told the Karnataka police that Madhani had visited Kodagu prior to the Bangalore blasts and that Madhani had planned the blasts. Since Kodagu is a bastion of RSS (*Hindu extremist organization*)

it was not safe or wise to seek for help of unknown guides. Hence they took the help of a local person whom one of them knew earlier.

In Kodagu they went first to a place called Kumbur and met Mr.K.K.Yogananda who, according to the police, was a witness of Madhani's visit (*alleged*) to Kodagu. Yogananda is an active member of the RSS-BJP political combine. Karnataka State is governed by them. However, Yogananda told Shahina that he had not seen Madhani in Kodagu and that he had not given any statement to police for that matter. He also asserted that he was not a witness in the Madhani case. Instead, he said that he should be a witness in another case, the case of Nazir (*who is another accused in the Bangalore blast*). He also told Shahina that he saw Madhani for first time in his life when Madhani was brought to Kodagu by police as part of the on-going investigation.

On the way back from Yogananda's residence, Shahina met the Vice President of Kumbur Panchayat and asked whether he had any news about the visit of Madhani in that area as claimed by the police. He said that he was not aware of such visit. At this juncture, the Circle Inspector of Police of Hosathotta police station arrived and spoke to Shahina in sharp, serious and threatening tone. He questioned her business in that area. He said that she had no reason to talk to people in Kodagu, and particularly people whose names surfaced as witnesses in the prosecution case. He asked for her identity and took photo of her ID card as working journalist. The police tailed her for a while to ensure that she was gone from the area. The police officer phoned Shahina late on the same evening, around 10.00 pm, to her hotel room at Kasaragodu and asked her whether she was a terrorist. He also asked her for the contact details of her employer (the editor of *Thehelka*).

On the next day, the 17th November, a friend of Shahina in Karnataka State phoned her and told that Kannada news papers (*Prajawani, Sakthi, Kannada Prabha* etc.) had reported stories on the visit of a 'group of suspected terrorists' under the leadership of a woman 'in disguise' of *Thehelka* reporter. On 18th, the next day, the police officer called Shahina again and asked for the names of those who were with her in Kodagu. She said that it was not possible. Then the police officer warned her saying that there were paper reports against her and her team as if they were hard core terrorists. And so, he said, he was required to report to his superior officers. Shahina advised him to contact those paper reporters who should have details of those "terrorists" and that they would be the best source of such information. Later he did not make calls. Shahina's report on the interviews was published in *Thehelka* on the 25th November 2010.

On 26th, the next day, Shahina's friend from Kodagu called her on phone and said that there were reports that two police cases in two police stations (*Siddapura* and *Somarpettu*) were registered against her alleging Sections 34, 149 and 506 of Indian Penal Code. A friend of her from *Indian Express* phoned to the police station and was confirmed of the filing of the criminal case against Shahina. Now, we understand, the cases have been given to Crime Branch of Police that has registered one more criminal case against Shahina (Criminal conspiracy for murdering the local MLA – Member of Legislative Assembly).

Shahina apprehends that she could be arrested any time and would languish behind the bars indefinitely. Madhani was in Coimbatore jail for more than nine years with out trial. The fate of Shahina need not be an exception to the rule. The news papers in Karnataka were simply carrying the news given by the police. According to them, Shahina had 'dubious identity'. (Whereas she had showed her *Thehelka* ID card to the police officer who had spoken to her Editor to his satisfaction).

The matter is clear. If Shahina's article (that the police accounts of the witnesses in Madhani's case were false, fictitious, fabricated and cooked up) gets accepted and is taken as an evidence in the court, the prosecution case against Madhani in which the Government of Karnataka and its ruling coalition (RSS –BJP combine) has special stake will be defeated. Hence, the Karnataka police (In India police is always a weapon in the hands of the political regime) is making its best efforts to depict Shahina and her assistants as terrorists. Those who accompanied Shahina to Kodagu were totally innocent; they did not know the implications of her investigation. They simply obliged to accompany her out of good faith and personal concern. The translator himself was a Hindu, not even a Muslim.

More than personal threat, physical and psychological torture on Shahina, the present case is an attack on the entire press community, human rights defenders, women and minorities. It is also an attack on the freedom of expression.

Article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights guarantee freedom of opinion and expression which included freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. This right is fundamental right in Indian Constitution as articulated in Article 19 of the Constitution.

In the circumstances we demand –

- (i) All the charges against Ms Shahina and her assistants should be withdrawn and steps initiated against them must be dropped forthwith;
- (ii) The respective governments and other responsible bodies should respect, protect and promote the rights of human rights defenders including media persons, their assistants, and independent facts finding missions.
- (iii) Physical and psychological integrity of Shahina and her assistants must be protected and any infringement on their personal freedom and safety should adequately be compensated.

I request you to make use of your good office and UN mandate to address those in political administration and administration of justice in New Delhi and Bangalore. The persons named hereunder are significant in the matter. Hence, a letter or fax to them by your esteemed office will have its moral and ethical impact to comply with our demands as mentioned above.

Dr.Manmohan Singh, the Prime Minister of India: manmohan@sansad.nic.in

Hon'ble Mr. Justice S.H.Kapadia, Chief Justice of India: supremecourt@nic.in

Mr.P.Chidambaram, Union Minister for Home Affairs: websitemhawe@nic.in

Chairman, National Human Rights Commission: chairnhrc@nic.in

Chairperson, National Commission for Women: ncw@nic.in

Mr.H.R.Bhardwaj, Governor of Karnataka: rajbhavan.karnataka@gmail.com

Mr. B.S.Yediyurappa, Chief Minister of Karnataka: chiefminister@karnataka.gov.in

Mr. R.Ashok, Home Minister of Karnataka: min-home@karnataka.gov.in

Promising you the best of our cooperation and support,

With regards,

George Pulikuthiyil

Executive Director

Jananeethi & Jananeethi Institute

Mannuthy Post, Thrissur 680651, Kerala, India.

Tel: +91-487-2373479 / 2373281; Mobile: +91-9447027338

Email: geopuli@gmail.com; gpneethi@sancharnet.in

Website: www.jananeethi.org