

*Members of Minority Community arrested under charges of belonging to
terrorist outfit
A Fact Finding Report*

Introduction:

Since 3.00 p.m. on 22.07.05 officials of the Police Department have been creating sensation in Coimbatore and all other places of Tamil Nadu with stories that are allegedly fabricated, generating press releases, alleging that there was a conspiracy to plant bombs in Coimbatore. On the basis of the above mentioned anti - minority press releases issued by the police, news was spread that five persons had been arrested and that they belonged to an organization named MNP (*Manitha Neethi Pasarai*). The wife of one of the arrestees, Ms. Naseema, W/o. Haroon Batcha lodged complaint that the whereabouts of her husband Haroon Batcha and his brothers who were arrested on 21.07.06 were not known, to Vaigai Satta Niruvanam which in turn forwarded the complaint and its findings on the issue to People's Watch - Tamil Nadu on 30.07.06

General Information:

Name of Arrestees : 1. Haroon Batcha (28), S/o. Anvar Batcha, 122 MMA Street, Kurichy Pirivu, Coimbatore
2. Malik Batcha, S/o. Anvar Batcha (35)
3. Ravi @ Tipu Sulthan (24)
4. Athiyur Rahman @ Polo Shankar (31)
5. Shamsuddin (32)

FIR Number : Cr. No. 1067/06 U/s. 120 B of IPC R/W 5 of Explosive Substances Act, 1908

Police Station : B. 13 Podanur Police Station

Police who trespassed into : Inspector Palraj of Podanur Police Station

Haroon Batcha's house : Thirumeni Sub Inspector of Police (I/ S)
Constable Gopalakrishnan
Police Officer Annadurai

And four other police officials whose names are not known

Commissioner of Police : Karan Sinha

Assistant Commissioners of Police : Thenmozhi, Shanmugavelu, Rathinasabapathy

List of Documents:

1. Copy of the report prepared by Vaigai Satta Niruvanam
2. Copy of FIR (cyclostyled handwritten FIR) Cr. No. 1067/06 U/s. 120 B of IPC R/W 5 of Explosive Substances Act, 1908
3. Copy of the complaint sent to the Hon'ble Chief Judicial Magistrate of Coimbatore by Ms. A. Naseema, W/o. Haroon Batcha
4. Copy of Complaint sent by Ms. A. Naseema to the Hon'ble Chief Justice of the Madras High Court, Registrar General of Madras High Court and the Home Secretary
5. Complaint sent by Mr. M. I. Moideen to the Registrar General of Madras High Court, the Home Secretary and to the chief Minister
6. Copy of the complaint sent by Ms. A. Naseema to the Director General of Police, the Home Secretary and the Chief Minister
7. Copy of Complaint sent by Ms. A. Naseema, W/o. Haroon Batcha to the Commissioner of Police of Coimbatore
8. Copy of the bills of the telegrams sent
9. Charge Sheet No. 46 / 06 dated 14.02.06 (In which also Haroon batcha is an accused)
10. Press Clippings:
 - a. Nakkeeran dated 2006 July 27 – 29
 - b. Deccan Chronicle dated 27.07.06
 - c. Junior Vikadan dated 30.07.06
 - d. Dinamani dated July 21.07.06
 - e. Kumudam Reporter dated 30.07.06

Statement given by Ms. Naseema, W/o. Haroon Batcha, residing at Number 20/122, Kurichi Division, N. P. Itteri in Coimbatore District:

I reside at the above mentioned address. At around 11.00 p.m. when I was sleeping with my husband and one year old child, Inspector Mr. Palraj, Sub Inspector Thirumeni, CBI Constable Gopalakrishnan, Police Officer Annadurai and some male constables (whose names I do not know but whom I can identify) of Pothanur Police Station came to our house without any policewomen and knocked on the door of our house. When I opened the door

and asked Inspector Palraj and Police officer Annadurai what the matter was, without giving any explanation they pushed me by placing their hands on my chest and barged into our house. They lifted my husband, who was asleep, catching hold of his shirt collar and dragged him out, to the entrance of our house and made him stand there. Then they scattered all the things kept inside the house and at that time Police Officer Annadurai pushed aside my one year old child, who was sleeping, with his feet. They subjected us to various kinds of torture under the guise of making a search.

They also barged into the house of Haroon Batcha's brother Malik Batcha who resides nearby and caught both Abdul Batcha and Malik Batcha by their shirt collars and dragged them out of the house. Under the pretext of a search, without the sanction of the Court, they inflicted various kinds of torture on us. When I asked them why they were doing such things at midnight in a home where Muslim women who are in *purdah* reside, Police Officer Annadurai said, "These *Thulukachis* (derogatory term used to denote Muslim women) have started speaking law too. They will start seeing sense only if they are beaten up behind bars' and asked me to tidy up the things that had been scattered by the police in our house. When I retorted to this by saying, 'This is a house where women live. Get out', he repeated the above mentioned derogatory sentence and raised his baton as if he were going to beat me. Fearing assault I tidied up the things.

My husband's elder brother Malik Batcha is a mentally ill person and is presently receiving treatment from a doctor. He takes medicine for sleeping, under the prescription of the doctor. When I told this to the police officers and said that if they treated him thus, his mental condition would deteriorate further, Inspector Palraj and Sub Inspector Thirumeni said, 'He has his in-law's house (term used to denote prison or a lockup) to sleep. Ask him to come there and sleep.' Then he hit my husband and his elder brother Malik Batcha on the nape of their neck and made all three of them get into the police vehicle, by force. Then the Police Officer and the other police constables stayed at the house till all the scattered things were tidied up, thereby keeping my family members and me in illegal detention for nearly 3 hours in my home itself. I have presently been released wherefore I gave a complaint to Vaigai Satta Niruvanam over phone.

On the basis of the above information persons from Vaigai Satta Niruvanam came to Coimbatore at about 11.00 a.m. on 22.07.06 and asked me about the above incident. I told them, "I have sent telegrams to higher officials. Early in the morning when I went to Pothanur Police Station my husband was not there. The policemen are refusing to give me any information about my husband."

Statement given by R. Azhagumani, M. L., S. M. A. Jinnah, B. A. B. L., 99, 82, Lawyers Chambers, Madurai High Court Campus, Madurai:

Ms. Naseema, the wife of Haroon Batcha who was falsely included as accused in the above mentioned case lodged a complaint regarding the arrest of her husband by Podanur Police to *Vaikai Satta Niruvanam* by phone call at around 3.00 a.m. on 21.07.06.

On the basis of the above information we came to Coimbatore at about 11.00 a.m. on 22.07.06 and asked Naseema about the above incident. [The information given by her is same as the previous statement]

Following that we went to several Police Stations in Coimbatore and inquired about the above mentioned persons but they refused to divulge any information. Following this Haroon Batcha's wife kept sending many telegrams to higher officials. When we asked Naseema why the police took her husband in particular for inquiry she said, "My husband is a social activist. Before the recent legislative assembly elections, on 13.02.06, he did election campaigning in a democratic manner against communal forces. At that time the Inspector of Pothanur Police Station assaulted my husband, subjected him to many tortures and took away the handbills that he had with him. They lodged case against him under section 71 of the Tamil Nadu City Police Act. They compelled him to confess at court to the above crime and pay fine. When my husband denied having done any crime and said that he was just doing his democratic duty, the Police Inspector of Pothanur Police Station and CBI Constables Senthil, Vijayan and Pazhanichamy assaulted him. He sent complaint to the Director General of Police against them. Case had been filed at the High Court requesting compensation for the sufferings he had undergone because of the illegal activities of the above mentioned policemen of Pothanur Police Station. Policemen of Pothanur Police Station and CBI Police personnel Gopalakrishnan and CBI Assistant Commissioner Rathinasabapathy had been continuously harassing him and compelling him to withdraw the case, threatening that they would destroy his life if he did not comply. My husband had told them that he would deal with them legally and sent complaints regarding this too to higher officials."

Keeping all this in mind, the Coimbatore Police arrested 3 innocent persons along with above mentioned Haroon Batcha and Malik Batcha and foisted a false and fabricated case against them, picturing them as terrorists and kept them in illegal detention. On 23.07.06, without informing the relatives of the above mentioned persons at around 4.00 a.m. in the morning, they were produced at the magistrate's house. In the enquiries that we made we found that all the persons arrested in the above case have been subjected to various means

of torture and have been harassed. The above mentioned persons have sent complaint to the Chief Justice regarding this.

We formed a fact finding team to make enquiries regarding the case and for the past four days we have been collecting various evidences relating to this case. On the basis of this evidence it is felt that since all the present police higher officials of Coimbatore City were appointed during the rule of the previous government, they want to divert public attention from the budget plus points of the present govt. and create terror in the minds of the people. It is seen that they want to destroy the hope that the minorities have placed on the present govt. and scatter the minority vote bank in the upcoming local body elections. This is a fabricated case foisted to create an image that the law and order situation in Tamil Nadu is crumbling so that the present govt. is shown in bad light. At a stage where the Coimbatore bomb blasts case that is being heard in the Court for the past 8 years is reaching its conclusion this false case has been fabricated to crate an agitation amongst the judiciary.

We are planning to submit a detailed report regarding this to the Hon'ble Chief Minister. We have sent complaints on behalf of the victims to the National Minorities Commission, National Human Rights Commission and to the Hon'ble Chief Minister, praying that the factual details of the case be clarified to the public and that action be taken against the erring officials.

We are planning to approach the Hon'ble High Court of Chennai, praying that this case is investigated by the CBI on the basis of the evidence that we have collected, action be taken against the erring officials and compensation be provided to the victims.

Press Reports:

From the press reports it is seen that the police claim is as follows: *(translation of excerpts of a report that came in Kumudam Reporter dated 30.07.06)*

The police received intelligence reports that some persons were preparing bombs from explosive materials. On that basis they searched the house of Haroon Batcha residing in Kurichi Pirivuon 21.07.06 at night. Two persons – Haroon Batcha and Malik Batcha were caught. From them a list of important leaders of Hindu organizations, photographs of their houses and illustrative diagrams on how to prepare bombs from explosive material were confiscated. A bomb of country make, wires and battery cells were also got.

On intensive interrogation the police came to know that they had plans of bombing Coimbatore govt. general Hospital. On inquiry they named two of their accomplices from Ganapathy Nagar – Tipu Sulthan and Athiyur Rahman. The police caught them too and interrogated them and searched their houses. Wires and explosives were confiscated from

there too. On information given by these two the police searched the house of Shamsuddin of Ramanathapuram area in Coimbatore. From there Religious texts, notices and diaries were confiscated. From them it was found that they belonged to an organization called *Manitha Neethi Pasarai* and that they had planned to conduct terrorist operations whenever Islam came into danger.

[The recent developments in the case are the following, as per a phone conversation with Mr. Jinnah, Advocate, Vaigai Satta Niruvanam of Madurai on 06.08.06:

- ♣ The Assistant Commissioner of Police Mr. Rathinasabapathy the main person responsible for this issue has been transferred to Ooty after protests regarding this issue.
- ♣ The arrestees who were remanded on 23.07.06 were taken back to police custody on 31.07.06 but were sent back to prison in day or two.
- ♣ Athiyoor Rahman, one of the arrestees who had turned approver said when enquired why he had turned approver that he had been offered Rs. 90, 000 by the AC Rathinasabapathy. Mr. Jinnah said that he was going to Salem on 07.08.06 to meet Athiyoor Rahman for further details.]