

## *Human Rights Defenders Alert - India*

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**Shri A. K. Parashar**

Focal Point - Human Rights Defenders

National Human Rights Commission

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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action - Uttar Pradesh /Varanasi - Attack and threat to life against human rights defender Dr. Lenin Raghuvanshi - Reg***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the recent attack and death threats against human rights defender Dr. Lenin Raghuvanshi and fear for his safety.

### **Incident**

**Name of the Perpetrators:** Unidentified persons who came in motorbike

**Place of incident:** Near Shubham Hospital, Varanasi

**Date and time of incident:** 22<sup>nd</sup> January 2012, around 11.30 pm

**About the activist:**

**Dr. Lenin Raghuvanshi** is a Dalit rights activist from India. He is one of the founding members of People's Vigilance Committee on Human Rights (PVCHR) which works for the upliftment of the marginalised sections of the society. His work has been recognized with awards like Gwangju Human Rights Award (2007), the Association for Communal Harmony - ACHA Star Peace award (2008) and the International Human Rights Prize of the city of Weimar (2010).

According to the information received from Shirin Shabana Khan, the Manager-Management Committee of the PVCHR, on 22nd January, 2012 around 11:30 pm Dr. Lenin was returning to his home after meeting with his advisor in Hotel Kamesh Hut, Varanasi. In a way near to Shubham hospital he was stopped and hit by hard sticks from the back and after falling down from the motorbike, the attackers hit and kicked him in his back and head. Incidentally this took place where there used to be permanent police till last night.

Dr. Lenin rang a few times on the police helpline number - 100 for help but police did not respond to his call. Around 1.00 am when again Dr. Lenin went to the place of incident and rang on 100 number, the police squad came and noted down his name and mobile number. Later he sent a SMS through his mobile to Sri Anil Parashar, the Focal person on Human Rights Defender of the National Human Rights Commission.

On 23rd January, 2012 early morning Sri Anil Parashar, Focal point for Human Rights Defenders called Dr. Lenin to his mobile phone. The commission took cognizance and took facts and detail on phone. Dr. Lenin with his associates went to the Shiv Prasad Gupt hospital for medical investigation. He also sent a letter to the DIG to lodge a FIR.

On 24 January, 2012 around 10:05 am in the morning once again Dr. Lenin had received call from DIG of Varanasi Shri Ram Kumar Ji on his mobile +91-9935599333. Later the S.O Cantt and Pandeypur Police outpost in-charge also called him and took the application.

It should be noted that earlier in December 2011, Dr. Lenin received death threat for which HRDA has issued urgent appeal.

**Background Information:**

Eminent human rights activist and Secretary General of Peoples' Vigilance Committee on Human Rights (PVCHR), Dr Lenin Raghuvanshi has received threat calls from one J.P. Mishra, a resident of Gorakhpur. Dr. Lenin is pursuing the case of murder of one Sohrab Ahmed, also resident of the same district. Regarding the murder, Dr. Lenin in August this year had written to Uttar Pradesh Governor, NHRC and others highlighting anti-Muslim activities of Hindu Wahini group supported by Gorakhpur BJP MP Yogi Adityanath. Dr. Lenin in his letter to state governor, NHRC and other authorities had mentioned the activities of Hindu Vahini and Yogi's support to it.

Dr. Lenin Raghuvanshi on 29.11.2011 received a threat on his mobile number. The caller threatened him of death. The caller introduced himself as J.P. Mishra, resident of Gorakhpur. The caller threatened him (Dr. Lenin) that he will shot him dead and can do anything.

In his letter to NHRC on 30.11.2011, Dr. Lenin said the threat has come because the PVCHR had made a complaint in Sohrab killing case, Gorakhpur, in which name of Adityanath had appeared. Dr. Lenin requested to conduct a high level enquiry against the culprits and provide security to him and witness in Sohrab case.

The NHRC in its order has also sought protection to the witness. The NHRC also asked the state top cop to "take steps to protect the life of Dr. Lenin Raghuvanshi and the witness in Sohrab case."

**Case Details:**

On 29th November, 2011 around 5:27 pm Dr. Lenin Raghuvanshi, received threatening call from mobile number +94757251733 on his mobile (9935599333). The caller was abusing by using filthy words. He also gave threat to his life saying "You will be towed" and "if you speak too much you

will be shot out". During that time Dr. Lenin was busy in the meeting with his associates in the office and he became distracted.

At the mean time around 5: 42 pm Dr. Lenin immediately released an urgent note in facebook. Around 6:22 pm Dr. Lenin rang on same number but he did not receive any response from that side. When he rang again he came to know about the identity of the caller. The caller said, "My name is J.P Mishra, I am resident of Gorakhpur. You did not know about my power. I can do anything. Son, I have relation with many person you know Tulsi Singh. Now you understand what type of person I am. I lived in Mumbai I can do anything. If you are Governor or Chief Minister of the state, understand I have worth to do anything. What is your worth monthly earning of only 10 thousand and 20 thousand". The caller was speaking in Bhojpuri mixed Hindi language.

Immediately a letter through email was sent to Chairperson, National Human Rights Commission and Director General of Police and on 30th November, 2011 same letter was sent through post.

It is noted that high level enquiry is going in the Soharab killing case in Gorakhpur. In this matter on behalf of the organization he made a complaint in which the name of Sri Aditya Yogi Nath (Member of Parliament, Bhartiya Janta Party) also came. The caller was also telling he was resident of Gorakhpur. Through his dialogue it seems he was near to the Sri Aditya Yogi Nath ji, because he was assuming Dr. Lenin as any Government officer. He was telling he is making call from South Africa and sometime America.

It should be mentioned that even after the National Human Rights Commission's Intervention, the authorities failed to carry out a high level enquiry into the case of death threats against Dr. Lenin Raghuvanshi. The alleged perpetrators could not be brought to book and they once again posed threats to Dr. Lenin by attacking him. This shows a clear case of negligence on part of the authorities to identify the perpetrators and also failed to provide protection to Dr. Lenin Raghuvanshi.

## **Appeal**

We, therefore, urge you to immediately take necessary steps to

1. Guarantee in all circumstances the physical and psychological integrity of Dr. Lenin Raghuvanshi as well as all human rights defenders in India;
2. Order an immediate, thorough, effective, transparent and impartial investigation into the issue of attack and death threats against Dr. Lenin, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
3. Put an end to acts of harassment and threats against Dr. Lenin more generally, against all human rights defenders in India;
4. Ensure that protection and security be provided to Human Rights Defender Dr. Lenin Raghuvanshi;
5. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:

- its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;

- its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;

- and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

6. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

*Henri Tiphagne*

Hon. National Working Secretary,

Human Rights Defenders Alert - India