

Human Rights Defenders Alert - India

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The Chairperson
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023.
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Dear Sir / Madam,

Sub: HRD Alert - India - Urgent Appeal for Action –Gujarat: Police file FIR against Teesta Setalvad and 4 other human rights defenders - 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 latest round of vindictive actions against human rights defender Teesta Setalvad, Secretary, Citizen's for Justice and Peace (CJP) and others where the Gujarat Police Crime Branch has registered a false First Information Report (FIR) on malicious grounds of cheating etc.

Source of Information on the Incident:

A communication dated 05 January 2014 from the Human Rights Defender Ms. Teesta Setalvad to the Hon Working Secretary of HRDA

Media Reports

About the Human Rights Defenders under attack:

Teesta Setalvad, the secretary of Citizen's for Justice and Peace (CJP).

Salim Bhai Sandhi and Firoz Gulzar Pathan who both lost family in the vicious made on attack on Gulberg Society on 28.2.2002. They are also chairman and secretary of the Gulberg Society respectively, as per media reports

Javed Anand, a Journalist and Civil Rights Activist (Ms. Setalvad and her husband Javed Anand had quit their regular jobs in the aftermath of the Gujarat Riots in 2002 to start Communalism Combat, an advocacy magazine.)

Tanvir Jafri, son of late Congress MP Ehsan Jafri slain at Gulberg Society in February, 2002

The Perpetrators:

The Detection of Crime Branch of the Gujarat Police (DCB)

Date of Incident:

January, 2014

Place of Incident:

Ahmedabad, Gujarat, India

Incident

According to the information received, all the human rights defenders mentioned above on whom this malicious and motivated case has been foisted now face the threat of arrest.

Crime Branch officials were quoted by a television channel as saying that the case has been filed against five persons under Sections 120(B), 406 and 420 of the Indian Penal Code (IPC) and Section 72 (A) of the Income Tax Act for allegedly usurping Rs 1.51 crore for turning the riot-ravaged Gulberg Society into a museum. Residents of Gulberg Society came under attack during the post-Godhra riots in Gujarat in 2002 with 68 people losing their lives.

The CJP feels that the timing of the FIR is significant given the fact that for a full eleven months after CJP and its sister organization Sabrang had given satisfactory explanations to the Crime Branch, investigations had been dropped. In a written complaint to the Crime Branch, Ahmedabad police, the office bearers of Gulberg Society had accused complainant Feroze Khan of forging the letterhead of the society. A former employee of CJP, Rais Khan has been at the root of this and 2

other false criminal complaints against Teesta Setalvad. In both he has been aggressively aided by the Gujarat police.

The sudden filing of this FIR soon after the Ahmedabad Magistrate's acceptance of the SIT (Special Investigating Team) report in the 'Zakia Jafri versus Narendra Modi and 59 Others case is not without significance. (Modi is the Chief Minister of Gujarat and Prime Ministerial Candidate of the Bhartiya Janata Party – BJP) The SIT had outsourced its work to DCP Crime Branch, Himanshu Shukla and the head of the same Crime Branch, AK Sharma, who had handled the investigation last year. It was the same SIT that had made vile allegations against complainant Zakia Jafri and Teesta Setalvad during the hearing of the petition. The timing of this FIR replete with a threat of arrest is seen by the source as efforts to prevent prompt filing of appeal in the Zakia Jafri case against Narendra Modi and 59 others.

The close nexus between top functionaries of the BJP who have been appearing for Rais Khan include Mr. Ram Jethmalani. Even advocates appearing for SIT have been appearing for Rais Khan in the High Court.

A deliberate campaign to vilify the efforts to procure justice for the Victims of the carnage of 2002 that has been sustained and supported by vested powerful interests in Gujarat and the opposition party at the national level has reached new heights over past weeks.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

- The physical and psychological safety and integrity of Teesta Setalvad and all other human rights defenders involved are guaranteed.
- That the Investigation wing of the Hon'ble Commission is directed to independently investigate into this case to verify the veracity of the complaint preferred by engaging a senior officer of the rank of an SP to investigate.
- That pending this investigation by the NHRC, the Hon'ble Commission directs the Gujarat police not to in any way arrest or cause any other restraint to Teesta or / and her colleagues;
- All attempts at intimidation and false implication in criminal cases of the activists of CJP and its solidarity groups are stopped.

- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne

Honorary National Working Secretary – HRDA - India