

# Human Rights Defenders Alert - India

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**Shri A. K. Parashar**

Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – India: AFAD Secretary  
General denied entry into the country at Mumbai International Airport –  
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 over the deportment of the general secretary of the Asian Federation Against Involuntary Disappearances (AFAD), Aileen Bacalso, on her arrival in India from the Philippines on the 17<sup>th</sup> of August, 2014 by immigration authorities at the Mumbai International Airport.

**Source of Information on the Incident:**

- A communication from Asian Federation Against involuntary Disappearances dated 18 August, 2014

**About the Human Rights Defenders under attack:**

Mary Aileen Diez Bacalso, the Secretary General of Asian Federation Against involuntary Disappearances (AFAD). Aileen Bacalso is also the Focal Person of the International Coalition Against Enforced Disappearances with 52 members worldwide. Ms. Bacalso, aged 51 is an award winning human rights activist who has worked on enforced custodial disappearances in several countries across the world, including Kashmir.

**The Perpetrators:**

Immigration Officials at the Mumbai International Airport

**Date and time of Incident:**

17<sup>th</sup> of August 2014 at about 10.00 p.m.

**Place of Incident:**

Mumbai International Airport, Mumbai, Maharashtra, India

**Incident**

According to the Source, on the 11<sup>th</sup> of August, Aileen Bacalso had tried to apply for a visa from the Indian embassy in Manila. While her papers were complete, her application was not accepted on the pretext that time was too short but they looked at the documents and were completely aware that she was travelling on 17<sup>th</sup> August to India.

At around 10 p.m. on 17th August 2014, upon arriving at the Mumbai International Airport, Aileen was immediately taken to a separate office, where around nine officials were present. Without asking any questions, the officials started filling up a form, which later Aileen came to know was the form for refusal to land. None of Aileen's questions or concerns was answered. Instead, she was asked when the last time she visited India was and also what had happened then. Her last visit was in November 2009. Aileen Bacalso was sent back on the same flight and her passport was handed over to her only when she landed at Manila. The only answer given to her question on why she was banned was that she should know.

It is pertinent to mention that Association of Parents of Disappeared Persons (APDP), a member organization of AFAD produced a report in December 2009 on unmarked graves and mass graves in Jammu and Kashmir, which later became a huge embarrassment for Indian State. In Jammu and Kashmir more than 8000 people have been subjected to enforced disappearances. So far, according to the research of APDP, 7,000 unmarked graves and mass graves have been identified in Jammu and Kashmir.

It is for the second time anyone from AFAD has been stopped from entering India. Previously another AFAD Administrative Officer was refused entry in India in the year 2010. No AFAD representatives have ever been banned from visiting any country.

**Appeal:**

We, therefore urge you to immediately take necessary steps to recommend that the State

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of denial of entry of the Human Rights Defender into the country despite the fact that all her documents were in order;
- Based on the said speedy investigation, takes required action against the officials responsible for the wrongful limitation imposed on the human rights defender, refunds her ticket costs and grants her a visa;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - 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”
  - Article 12.2, which provides 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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Madhya Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

Honorary National Working Secretary