



Human Rights Defenders Alert - India

National Coordination Office

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September 16, 2016

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Sub: HRD Alert - India - Urgent Appeal for Action – Jammu & Kashmir:
Civil and political rights activist and human rights defender, Mr. Khurram Parvez, Convenor of Jammu Kashmir Coalition of Civil Society (JKCCS) was illegally prevented by Indian immigration authorities to travel to Geneva, Switzerland from Delhi on September 14, 2016 at Indira Gandhi International Airport, New Delhi and on September 15, 2016 arrested by Jammu and Kashmir police from his home in Srinagar. – Regarding

Dear Sir,

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 writing to express our grave concern regarding the civil and political rights activist and human rights defender, Mr. Khurram Parvez, Convenor of Jammu Kashmir Coalition of Civil Society (JKCCS) who was not allowed by the Indian immigration authorities at Indira Gandhi International Airport, New Delhi to travel to Geneva,

Switzerland. As a member of a Kashmir delegation Mr. Khurram was scheduled to attend 33rd UN Human Rights Council session from 14th to 24th September, 2016. On September 15, Mr. Khurram has been arrested by Jammu and Kashmir Police from his home in late evening.

The defender is being targeted for his human rights work. As the Chairperson of Asian Federation Against involuntary Disappearances (AFAD) and Convenor of Jammu Kashmir Coalition of Civil Society (JKCCS), Mr. Khurram has been highlighting violations of human rights in the violence-hit region of Jammu and Kashmir. It is also an attempt on the part of Indian authorities to criminalise the human rights campaign and documentation work which JKCCS has been involved in for the last several years.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- Communication from the HRDs of the region

Status of the Human Rights Defender:

Mr. Khurram Pervez is the convenor of Jammu and Kashmir Coalition of Civil Society (JKCCS) which is a rights group representing various non-funded, non-profit, campaign, research and advocacy organizations based in Jammu and Kashmir. Presently, Mr. Khurram is also the Chairperson of Asian Federation Against involuntary Disappearances (AFAD) which is a human rights federation of organizations campaigning against enforced disappearances in Asia. Mr. Khurram has been a part of the research group that published a report in December 2009 on the discovery of thousands of unmarked graves in Kashmir.

The Perpetrators:

Immigration authorities at Indira Gandhi International Airport New Delhi and Jammu and Kashmir Police

Date of Incident:

September 14-15, 2016

Place of Incident:

Indira Gandhi International Airport, New Delhi and Srinagar

Details of the Incident:

According to sources, at around 1.30 a.m. in the morning of September 14, 2016, Mr. Khurram Parvez was prevented from travelling to Geneva at the Indira Gandhi International airport New Delhi. He was detained there for one and half hours by immigration authorities. Mr. Khurram was part of the AFAD & JKCCS delegation which is on a visit to Geneva from 14th to 24th September to attend the 33rd UN Human Rights Council session. He had the invitation, valid visa and other necessary documents. He was told by the authorities that due to orders from the Intelligence Bureau, he cannot travel to Geneva. Despite repeatedly asking for written orders, he was not shown any and was prohibited from leaving the country. He was not told any reasons for not allowing him to travel. He was only orally informed that immigration officers had instructions that he was not to be 'arrested', but that he should not be allowed to leave the country.

The Kashmiri members of the delegation, besides attending the UNHRC session are scheduled to brief UN bodies including the UN High Commissioner for Human Rights regarding the ongoing situation in Jammu and Kashmir facing almost daily protests and violence particularly over the last two months. This travel ban is a part of the widespread and systematic targeting that the people of troubled Jammu and Kashmir continue to face. The Indian Government seeks to isolate the people of Jammu and Kashmir at all costs, and disallowing human rights activists' access to the UN is a part of this attempt to isolate and ensure impunity for violence and denial of human rights.

HRDA would like to insist that according to the Indian Constitution every Indian citizen has the fundamental right to peaceful assembly under Art 19 and right to free speech and expression under Art. 19(1) (a)) of the Constitution. Mr. Khurram Parvez, a civil

and political rights activist and human rights defender is to travel to exercise his fundamental right of free speech and expression to apprise the UN body about the human rights situation in Jammu and Kashmir. The Supreme Court of India in 'Maneka Gandhi vs Union of India' (1978) held that the freedom of speech guaranteed under Art. 19(1) (a) is exercisable not only in India but also outside and if State action sets up barriers to its citizen's freedom of expression in any country in the world it would violate Art. 19(1) (a) as much as if it inhibited such expression within India itself.

On September 15, after his return to his home in Srinagar, the police officials from Kothibagh Police Station called him in the evening and asked him to visit the police station because the Superintendent of Police wanted to speak with him. Late in the night, police reached his home and took him to the police station. No reasons for his were given and he continue to be in police custody.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of violation of the right to liberty of movement and freedom of association; harassment, or intimidation against civil rights activist and human rights defender Mr. Khurram Parvez by the immigration officials at the IGI Airport, New Delhi and Jammu and Kashmir Police, as he is targeted solely for his human rights activities;
- Ensures that the Government of India immediately revokes its decision to restrict foreign travel of human rights defender Mr. Khurram Parvez thereby enabling him to travel abroad;
- Take immediate and appropriate action against those who are responsible for the harassment of human rights defender Mr. Khurram Parvez and using all provisions of law to ensure that the defender is not harassed in any way in future and provide a re-assurance of not engaging in such acts against HRDs;

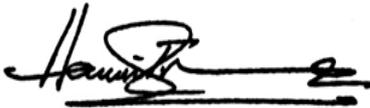
- Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and denial of his right to liberty of movement and freedom of association and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Khurram Parvez who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of attack and harassment of all human rights defenders like Mr. Khurram Parvez in the country to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to ensure that the Government of India stops hounding and targeting rights activists with coercion and intimidation and instead creates a conducive, non-adversarial, intimidation-free environment enabling people to share, discuss and debate in a democratic spirit crucial issues of development projects and programmes;
- Takes steps to conform to 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 6 (c) which states that “everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”

- 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, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India.

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)

National Working Secretary