



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

June 05, 2017

To,
Shri Srinivasa Kamath
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 – Odisha - Death threats to Human rights defender Mr. Akhand for filing a complaint petition in NHRC against the Indian Army Officer who had used a civilian as human shield in Jammu & Kashmir – 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 endeavors 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 death threats to Mr. Akhand, a human rights defender in Odisha, for filing case against the Indian Army Officer who used an unarmed citizen as a human shield a to escape from stone pelting in Srinagar, Kashmir.

Source of Information on the Incident:

The Regional Coordinator of HRDA for East of India
Communication with the HRD

Status of the Human Rights Defenders:

Mr. Akhand is a journalist and human rights defender from Odisha. He is associated with a human rights defenders platform in Odisha “Civil Society Forum on Human Rights”(CSFHR) since year 2011. He has filed a number of complaint petition before different human rights institutions on the violation of human rights in the state of Odisha. He is very well known for filing petition before the NHRC to convert all manual toilets to Bio-toilets in Indian railway coaches.

The Perpetrators:

A person who identified himself as Mohit from Mumbai, however when Mr. Akhand checked it on the mobile application ‘Truecaller’ it shows as Amit.

Date of Incident:

June 02, 2017.

Place of Incident:

Bhubaneswar

Incident detail:

On April 9, a army personnel tied a man to the front of their vehicle and drove him around as a human shield against local protesters. The video of that man tied to an army jeep was shared virally in the social media and it created a national controversy as using human shield is prohibited under international law and especially under the Geneva Conventions, 1947.

Mr. Akhand had filed a complaint petition before the National Human Rights Commission regarding tying a civilian by Indian army personnel in front of army jeep on April 9, 2017. NHRC issued notice to Ministry of Defence, Govt of India to respond on this mater and noted that the incident is a 'gross violation' of human rights of that person.

According to sources, on June 02, 2017, at about 1.45 PM, Mr. Akhand received a call in his cell phone from number +91 **9819743514**. While Mr. Akhand queried about the identity of the caller and his location, the caller told his name as Mohit and he is calling from Mumbai. He was talking in Hindi and he told *"How dare you file a case before National Human Rights Commission against the army officer who tied a man in front of his jeep in Kashmir, you are the agent of Pakistan, you are the agent of terrorist and you are the agent of Kashmiri separatists. As you filled a case against the Indian Army, you have no right to live in India. You will be killed soon by us. We have people across the country. I read that you are based at Bhubaneswar, you will be killed soon there. We will not let you sleep. Very soon you will be tied in front of the Army vehicle."* There after he went on abusing Mr.Akhand, using vulgar words, and threatened to kill him. He even scolded him by taking his family members name too.

Mr. Akhand had brought this to the notice of the Deputy Commissioner of Police and also filed a FIR with Chandrasekarpur Police Station on June 03, 2017.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of phone call threat to the human rights defender.
- Guarantee in all circumstances the physical and psychological integrity of Mr.Akhand and his family members, who is still under risk of further reprisals from the perpetrator;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he underwent because of the undue harassment and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Akhand;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr.Akhand in the State of Odisha to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- 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 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
 - Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to convene meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a coordinated strategy is developed within the State of Odisha for the protection of the rights of human rights defenders;
 - Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the NHRC Focal Point on HRDs and the SHRC Odisha to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
 - Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the SHRC, Odisha to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
 - 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 is strictly adhered to in the state of Odisha.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)
National Working Secretary

Copies to:

Justice (Retd.) H.L. Dattu,
Chairperson,
National Human Rights Commission,
New Delhi
Email: chairnhrc@nic.in

Chairperson, Odisha Human Rights Commission,
Toshali Bhawan(2nd Floor), Satyanagar,
PO:Satyanagar,
Bhubaneswar-751007
Email: ohrc@nic.in

Shri Naveen Patnaik
Chief Minister of Odisha
Bhubaneswar, Odisha -751001.
Email: cmo@nic.in

Chief Secretary of Odisha
Bhubaneswar,
Odisha -751001.
Email: csori@nic.in

Shri Kunwar Brajesh Singh, IPS
D.G. & I.G. OF POLICE, ODISHA,
Control Room,
State Police Headquarters
Buxi Bazar,
Odisha, Cuttack.
E-mail. sphqrs.odpol@nic.in

Special Rapporteur on the situation of human rights defenders,
Mr. Michel Forst
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland
Email: urgent-action@ohchr.org jgazyiev@ohchr.org defenders@ohchr.org

Mr. David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression
Palais des Nations
CH-1211 Geneva 10
Switzerland
Fax: +41 22 917 9006
Email: freedex@ohchr.org

Asian Forum for Human Rights and Development (FORUM-ASIA)
66/2, Pan Road, Silom Bang Rak,
Bangkok, 10500 Thailand.
Email: hrd@forum-asia.org

The Observatory for the Protection of Human Rights Defenders

Email : appeals@fidh-omct.org

OMCT International Secretariat

PO Box 21

8, rue du Vieux-Billard

1211 Geneva 8

Switzerland

E-mail: omct@omct.org

Front Line - The International Foundation for the Protection of Human Rights Defenders

Second Floor Grattan House

Temple Road, Blackrock

Co. Dublin

Ireland

Email : info@frontlinedefenders.org

**WORLDWIDE MOVEMENT FOR HUMAN RIGHTS
(FIDH)**

Email: apomeon@fidh.org, hgabbero@fidh.org

Mr. Mandeep Tiwana

Head of Policy & Research,

CIVICUS

Johannesburg, South Africa.

Email: mandeep.tiwana@civicus.org