



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April, 29 2019

To

Mr. Khaleel Ahmad

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh – Attempt to harass and threaten Human Rights Monitoring Forum, a group of human rights defenders based in Lucknow, by the police – Regarding

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 over the attempt to harass and threaten a group of human rights defenders working under the forum named as Human Rights Monitoring Forum in Lucknow, by the police personnel from PGI police station, Aashiana police station of Lucknow and members of Special Task Force for providing legal help to the victims of police violence especially custodial torture in the state.

About the Human Rights Defender

Human Rights Monitoring Forum (HRMF) is a voluntary organisation or forum of human rights defenders based in Lucknow. HRMF has been working in the state since its inception in 2014 on issues related to police violence, especially custodial torture and child rights. It has been taking up issues related to the use of illegal methods and procedures by the civil and police administration violating constitutional provisions, civil and political rights of people. The organisation also carries out fact finding

missions to document cases of police abuses and torture and it also takes up case related to child rights such as sexual abuse , child labour and corporal punishment. HRMF is also running two centres to help child victims in Lucknow and providing free legal aid to the disadvantaged sections of society seeking justice for the violations of their human rights. They provide legal aid to victims in 30 districts in the state of Uttar Pradesh.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Uttar Pradesh
- Communications with Human Rights Monitoring Forum in Lucknow

The Perpetrators:

- Police personnel from PGI police station, Aashiana police station
- Members of Special Task Force

Date of incident:

18 April, 2019

Place of incident:

Human Rights Monitoring Forum office at A P Sen Road, police station Hussain Ganj, Charbagh, Lucknow, Uttar Pradesh

Details of the Incident:

According to sources on 18 April, 2019 at around 9.30 PM three police personnel in plain clothes reportedly from PGI police station and Aashiana police station of Lucknow and members of Special Task Force forcibly entered into the office premise of Human Rights Monitoring Forum. The members of HRMF protested against the unauthorised entry of police personnel in their office as the police personnel did not provide them any legal warrant for search and did not explain their presence. Enraged by the protest, the police personnel started intimidating the members of HRMF and tried to threaten them for their actions and interventions in cases of human rights violation against people where police are involved. HRMF at present has been providing legal aid to victims of police abuses and on that particular occasion they were helping a victim of police violence named Mr. Avinash Shukla who was being repeatedly threatened by the police. Sources say that the police was trying to pick up the victim and threatening to kill him in police encounter. The victim has asked for legal

help from HRMF and organisation's legal team had taken up his case. HRMF members tried to explain the police that the organisation works for the protection of human rights legally, within the confines of constitution. They also explained to the police that it is not the intention of the organisation to work against the police, but it works to highlight the cases of violation of human rights of people and provide legal protection to them. When the HRMF members asked the police to show the official order or documents in support of their action against the organisation, the plain clothed police personnel told them they were from the police department and they could take any action for which they did not require any official order or permission. When HRMF members strongly opposed the police action, they left the place and threatened them with dire consequences if they continued to work against the police.

Rights based groups, organisations and movements are custodians and watchdogs of fundamental rights and the moral conscience of our society. Targeting the members of such groups has now become a routine practice by the state only to intimidate and suppress such voices and to stop them from carrying out their democratic activities. In the present case, police harassment of the members of the HRMF without any legal basis for engaging in activities permitted under the law of the land and within the confines of the constitution amounts to high handedness and abuse of police powers.

Further, right to freedom of association is one of the fundamental rights enshrined in the Constitution of India. It ensures that every individual is free to organise and to form and participate in groups. It is a right recognised by both international (International Convention on Economic, Social and Cultural Rights) and national standards (Article 19 1 (c) of the Constitution of India). Under this ,State is under an obligation to ensure that people are free to form and participate in associations of any type and to engage independently in any legal and lawful activity including to peacefully promote human rights. Therefore, the action of the police in the present case of using threats and intimidation to deter the members of the HRMF amounts infringement of the right guarantee under Article 19 (1) (c) of the Constitution of India.

Appeal:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of targeting and threatening Human Rights Monitoring Forum;

- Take immediate action on the alleged perpetrators as mentioned above for threatening Human Rights Monitoring Forum and using all provisions of law to ensure that their physical safety of the members are ensured and provide a re-assurance of not engaging in such acts against HRDs and their organisation Human Rights Monitoring Forum;
- Recommend for preliminary inquiry and proceedings against the police personnel who had carried out the illegal search
- Guarantee in all circumstances the physical and psychological integrity of the defenders from HRD organisation such as Human Rights Monitoring Forum who still face risk of further harassment or reprisals from the perpetrators;
- Put an end to all acts of harassment and attacks against all human rights defenders and HRD organisations working in the State of Uttar Pradesh to ensure that in all circumstances they carry out their activities as human rights defenders without any hindrances;
- 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 Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary