



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No:- HRDA/North/HR/1/7/2018

July 03, 2018

To

Mr. Srinivasa Kammath,
Focal Point-Human Rights Defenders,
National Human Rights Commission,
Manav Adhikar Bhawan Block-C, GPO Complex, INA,
New Delhi-110023,
E-mail –ID: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - Urgent Appeal for Action - Haryana: Arbitrary search and harassment by police of human rights defender and activist Mr. Mohd Arif Tain and his family - 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 now writing to express our grave concern about the arbitrary search of activist and human rights defender Mr. Mohd Arif Tain on June 19, 2018 in Mewat, Haryana.

Source of information on the Incident:

- HRDA Regional Coordinator
- Communication with HRDs in the region
- Media Reports

Status of Human Rights Defender:

Mr. Arif is a human rights defender and activist working with Aman Biradari, an organisation which provides socio-legal support to the families of lynching victims as well as those who lost their lives in police encounters. He has an impeccable human rights record, working for the Mewat Community on various human rights issues including education of girl children, rural digital empowerment and entitlements. More recently, he has been raising the issue of lynching and alleged false encounters by police before various forums including the human rights commissions, police officials and the courts.

The Perpetrators:

- Abid Hussain, Asst. Sub- Inspector, Mewat police
- Other police personnel of Mewat

Date of the Incident:

June 19, 2018

Place of Incident:

Mewat, Haryana

Details of the Incident:

As per the sources, on the morning on June 19, 2018, Abid Hussain, ASI, Mewat Police along with three other unidentified police officials, barged into the house of Mr. Arif without a warrant or substantiated suspicion. The police came at a time when only Mr. Arif's mother, wife and children were at home as Mr. Arif, himself was away in Punhana, Harayan (Mewat), where he was conducting a fact-finding mission on encounter cases along with his colleagues of Aman Biradari. When his family asked the police for a warrant, the same was denied. The police further, threatened the family. After entering the house without any warrant or court order, the police personnel vandalised Mr. Arif's property and made baseless accusations and unsubstantiated claims against him, alleging that he was in possession of illegal arms, which have not been recovered by the police.

It is pertinent to note here that, Mr. Arif have been raising the issue of lynching and fake police encounters recently, and thus, HRDA fears that through these illegal means, attempts are being made to silence his voice against the same through harassment and implicating him in false cases which could lead to criminal charges. This can also be viewed as an assault on his reputation for his human rights work.

Appeal:

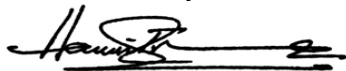
Therefore, HRDA most respectfully appeals that this Hon'ble Commission immediately takes necessary steps and:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the false charges against activist and human rights defender Mr. Mohd Arif Tain and arbitrary search of his house;
- Ensure provision of reparation, compensation, apology to the defender Mr. Mohd Arif Tain and his family for the physical and psychological sufferings they have undergone because of the arbitrary search and provide a reassurance of not engaging in such acts against HRDs in Haryana;
- Put an end to all acts of harassment against all human rights defenders in the State of Haryana 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”;
- 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 Haryana.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary