



Human Rights Defenders Alert – India

National Coordination Office

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January 29, 2017

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 - Appeal for Urgent Action – Maharashtra - Mohabbat Ali Ansari: Attempt to murder, continuous physical attack by builder mafia on Mr. Mohabbat Ali Ansari, a RTI activist in Mumbai, Maharashtra – 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 now writing to express our grave concern regarding the attempt to murder of Mr. Mohabbat Ali Ansari, a RTI activist from Maharashtra who has been targeted by the builder mafia for filing a writ petition in Bombay High Court on irregularities in construction.

Source of Information on the Incident:

- The Coordinator of HRDA for the West of India
- Media reports

The Perpetrators:

- Mr. Naseem Khan, son of Chairman of Juhu Azad Nagar society, Mr. Teshkar Khan (*Against whom the HRD has filed a writ petition in Bombay High Court*)
- Three other unidentified persons

The Human rights defender:

Mr. Mohabbat Ali Ansari is a resident of Juhu Azad Nagar Society and has been fighting against irregularities in redevelopment of Juhu Azad Nagar Society. He had filed a series of RTI queries regarding the same. He has

also been fighting against illegal constructions by the builder mafia and has also filed a writ petition in the Bombay High Court against the irregularities in the redevelopment.

Date of Incident:

January 16, 2017

Place of Incident:

Mumbai, Maharashtra.

Incident detail:

As per the sources, Mohabbat Ali Ansari was attacked by three unidentified persons on January 16, 2017, near Shoppers Stop at Juhu Lane in Mumbai. The attackers fled from the spot immediately and Mr. Ansari was rushed to a hospital and was severely injured and has been treated with 40 stiches. This attack happens to be the third attack in a span of two weeks. The second was brutal and has been recorded in a CCTV camera. In the CCTV footage, Mr. Ansari is seen to be chased on a motor bike by five persons and pushed down on the road after which the perpetrators attacked him with some sharp object in a crowded road in Juhu area of Mumbai and no one came in to his rescue.

Appeal :

Therefore, in the light of above mentioned facts and circumstances, HRDA most respectfully appeals that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of attempt to murder of the human rights defender Mr. Mohabbat Ali Ansari;
- Take action against the local police personnel who should have given adequate protection to Mr. Mohabbat Ali Ansari as he been targeted in a series of attacks in a short span of 15 days;
- Guarantee in all circumstances the physical and psychological integrity and protection of Mr. Mohabbat Ali Ansari and his family members;
- Take immediate action on the perpetrators for intimidating in the work of human rights defender using all provisions of law to ensure that the defender is not threatened, harassed or attacked in future;
- Put an end to all acts of attack and harassment of human rights defenders in the State of Maharashtra 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 Maharashtra 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, Etc.] to ensure that a coordinated strategy is developed within the State of Maharashtra for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the NHRC Focal Point on HRDs and the SHRC Maharashtra 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 Maharashtra in collaboration with the SHRC, Maharashtra 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 Maharashtra.

Looking forward to your immediate action in this regard,

Yours sincerely,

(Henri Tiphagne).

S/d-

Honorary National Working Secretary

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