



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/North/UP/01/01/2025

January 29, 2025

To

Justice Mr. V Ramasubramanian,
Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Sir,

Subject: Requesting to initiate Suo moto proceeding to expunge remarks made by the Special NIA Court Lucknow in judgement targeting Human Rights NGOs for factfinding and providing legal aid to the accused.

We are writing to you to bring to your kind attention the shocking statements made by the Special NIA court in Lucknow against various civil society organisations including People's Union for Civil Liberties (PUCL). We appeal to the Hon'ble Commission to intervene for expunging remarks which seek to delegitimise the work of human rights organisations and are against the orders of the Hon'ble Supreme Court of India, the Indian Constitution and the Universal Declaration of Human Rights.

On January 05, 2025, in cases No 1049/2022, 1758/2022, AND 2766/2022, the Special NIA court judge VS Tripathi observed, that various national and international human rights NGOs promptly provide free legal aid to those accused under UAPA and other anti-national activities. The Court also observed that human rights reports written by various NGOs like Alliance for Justice and Accountability (New York), Citizens for Peace and Justice, Indian American Muslim Council, People's Union for Civil Liberties, Rihaee Manch, South Asia Solidarity Group and United Against Hate exert pressure on the judiciary. The court further castigated lawyers from NGOs for representing cases of national security, terrorism etc.

The remarks of the NIA Court have been reported in the media and the following links are being shared for reference:

1. <https://m.thewire.in/article/rights/legal-aid-fact-finding-not-anti-national-rights-body-condemns-nia-courts-remarks>
2. <https://www.counterview.in/2025/01/special-nia-court-lucknows-judgment.html>
3. <https://theprint.in/india/nia-court-directs-inquiry-into-funding-of-prominent-ngos-providing-legal-aid-to-accused-in-terror-cases/2433932/>

We believe that activities like fact findings, writing factual reports, monetary support and providing legal aid to accused are essential rights in Indian Constitution and

International law and such remarks target the Constitutional right of Freedom of Speech and Expression and the work of human rights organisations in their work of providing legal aid and support to the accused. According to Asian Pacific Forum Regional Action Plan 2021-2025, National Human Rights Commission of India is responsible to protect and support the work of Human Rights Defenders. Under the Marrakesh Declaration 2018 it is the duty of National Human Rights Commission to Support the State in implementing the Declaration on Human Rights Defenders. This includes ensuring that the judiciary, administrative and law enforcement officials are trained to respect the Declaration and other human rights norms, and that human defenders can self-identify. We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, to take *suo moto* cognizance of this incident and Intervene before the NIA Special court for targeting human right organisations through prejudiced and invidious observations in its reported judgement and direct the court to expunge its remarks on the role of human rights organisations who are not parties to the proceeding.

We hope and expect that the NHRC will intervene in this case impartially and in a time bound manner and keep us informed of the progress in the matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line drawn underneath it.

(Henri Tiphagne)
National Working Secretary
Human Rights Defenders' Alert - India