



Jeyaram lct <jeyaram@pwn.org>

Fwd: NHRC - HR Defender detailed in Trichirapalli Airport last night

1 message

Raja Vel <rajavel@pwn.org>
To: Jeyaram <jeyaram@pwn.org>

Wed, Jan 24, 2018 at 12:48 PM

Begin forwarded message:

From: Henri Tiphagne <henri@pwn.org>
Date: 20 December 2017 at 10:28:48 AM IST
To: 'NHRC-Joint Parashar' <hrd-nhrc@nic.in>
Cc: NHRC General <sgnhrc@nic.in>
Subject: NHRC - HR Defender detailed in Trichirapalli Airport last night



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 20, 2017

To,

Mr. 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 – Urgent Appeal for Action – Tamil Nadu: Illegal Detention and plan for deportation of Mr. Mukunda Raj Kattel, a human rights defender at Tiruchirapalli International Airport in Tamil Nadu – 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 writing to express our grave concern over the illegal detention and plan to deport human rights defender Mr. Mukunda Raj Kattel at Tiruchirapalli Airport in Tamil Nadu by the Immigration Department.

Details of the HRD:

Mr. Mukunda Raj Kattel is from Nepal, and is presently working as the Director of Forum-Asia, a developmental organization in Bangkok. Forum-Asia is an organization with ECOSOC status with the United Nations. He has 20 years' experience of human rights promotion and protection, democratization, conflict transformation, and capacity building of change agents both at national and sub-national levels. Before he joined FORUM-ASIA in July 2014, he was a senior adviser at Danish International Development Agency's (DANIDA) Human Rights and Good Governance Program in Nepal and is a Chevening Scholar,

The Perpetrators:

Officials of Immigration Department at Tiruchirapalli Airport, Tamil Nadu

Date of Incident:

December 20, 2017

Place of Incident:

Tiruchirapalli Airport, Tamil Nadu

Details of the incident:

Since it was Christmas holidays for his organization, Mr. Mukunda was coming to meet his good friend and a former Chairperson of Forum-Asia, Mr. Henri Tiphagne in Madurai and then was to proceed for his holidays in Kerala with his friend Mr. John Samuel in Kerala who is also the Executive Director of Forum-Asia and return on the December 26, 2017 after Christmas. He came via Trichy from Thailand since it was a cheap ticket for a holiday, and since he is a Nepali citizen he does not require a visa to enter India for a vacation. He travelled from Don Muang Airport in Bangkok via Air Asia flight FD 110 on December 19, 2017 and reached Tiruchirapalli at 12.00 AM on 23 December 2017. The driver who had went to Tiruchirapalli Airport to pick Mr. Mukunda informed around 2.00 AM that Mr. Mukunda has been detained by the Immigration department when he enquired about him in the airport.

When the Immigration Department from Tiruchirapalli Airport was contacted, we were told that "He is detained in the Immigration and is to be sent back to Thailand since there is a Look out notice for him and is banned to enter India". Our lawyer Mr. Martin went to the Tiruchirapalli Airport in the early hours of December 20, 2017 around 6 AM to represent Mr. Mukunda, but he was not allowed to meet him by the airport authorities.

It is extremely shocking that Mr. Mukunda is not been allowed to enter India and has been listed in a look-out circular. It is pertinent to mention that India and Nepal the 1950 India-Nepal Treaty of Peace and Friendship (official name Treaty of Peace and Friendship Between The Government of India and The Government of Nepal) is a bilateral treaty between Nepal and India establishing a close strategic relationship between the two South Asian neighbours. The treaty allows free movement of people and goods between the two nations and a close relationship and collaboration on matters of defense and foreign policy. As per Articles 6 and 7, the two governments agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other, the same privileges in the matter of residence, ownership of property (requires RBI permission), participation in trade and commerce, movement and other privileges of a similar nature. This enables Nepali and Indian citizens to move freely across the border without passport or visa, live and work in either country and own property or conduct trade or business in either country. There are a large number of Indians living, owning property and working or doing business in Nepal as a beneficial aspect of the treaty for India. Reciprocally, many Nepalese live, own property and conduct business freely in India.

We therefore urge the Hon'ble Commission to immediately act on this incident regarding the illegal detention of a Nepali citizen in India and take action to release him immediately and not to deport him in any case.

Appeal:

We therefore urgently appeal to you to:

- Immediately intervene in this incident of illegal detention and not to allow any plan for deportation of Mr. Mukunda to succeed since this will adversely affect his future entry to Indian as a Nepalese.
- Order an immediate and urgent intervention by the Special Rapporteur for South Zone of the NHRC to Tiruchirapalli Airport to enquire into the incident and ensure the safety of Mr. Mukunda

- Ensure the rights to life and liberty of Mr. Mukunda is respected as per Article 21 of the Indian Constitution which applies to foreign nationals in India

Looking forward to your immediate action in this regard,

Yours Sincerely,



Henri Tiphagne

National Working Secretary



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2 attachments



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