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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL G/SO 214 (107-9)
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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/5.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the armed raid on the home of human rights defender Ms. **Kavita Srivastava**. Ms. Kavita Srivastava is the National General Secretary of the People's Union for Civil Liberties (PUCL). PUCL was founded in 1976 and is dedicated to supporting grassroots movements and empowering people living in poverty in India. Ms. Srivastava has also been particularly active in exposing human rights abuses against Muslim minorities.

According to the information received:

On 3 October 2011, between 6:30 a.m. and 7:00 a.m., it is reported that an armed contingent of sixty police officials from the states of Rajasthan and Chhattisgarh arrived in trucks at the home of Ms. Kavita Srivastava in Jaipur city, Rajasthan.

The police allegedly searched Ms. Srivastava's home, when she was not there, based on a search warrant which related to an individual they identified as "a dangerous Naxalite". It is reported that the police suspected that the individual was sheltering in Ms. Srivastava's home; however, they did not find any evidence of this. It is alleged that the name of the individual who they were seeking was not made clear to the family.

While Ms. Srivastava's relatives who were at the home reportedly fully cooperated with the police officials, the police allegedly attempted to push Ms. Srivastava's elderly father and also harassed two domestic workers. It is further reported that police stopped her sister and her friend who were close to the house for at least an hour.

Concern is expressed regarding the physical and psychological safety of Ms. Kavita Srivastava and her family in light of the recent search of her home. Further concern is expressed that the search may be directly related to her peaceful and legitimate work in defence of human rights.

While I do not wish to prejudge the accuracy of these allegations, I wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, I would like to bring to the attention of your Excellency's Government article 12, paras 2 and 3 of the Declaration which provide 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 Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Kavita Srivastava and her family are respected and that accountability of any person guilty of the alleged violations is ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of this case accurate?

2. Has a complaint been lodged by or on behalf of Ms. Kavita Srivastava?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

I would appreciate a response within sixty days. I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders