

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (89-15)
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5, 16/4, 15/21, 16/5, and 16/7.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the killing of environmentalist and human rights defender Ms. **Shehla Masood** and the attacks and death threats against women human rights defenders Mmes. **Mumta Bibi, Iberei Begum, Najida and Leila Bibi**.

Ms. Shehla Masood was a human rights defender, anti-corruption and environmental activist in Madhya Pradesh. She worked promoting the enforcement of the Right to Information (RTI) Act 2005, which allows citizens to request information from a public authority. She was also an active environmentalist and promoted wildlife conservation. She set up an NGO called Udai which launched a signature campaign in September 2010 following the killing of a tigress in the Bandhavgarh nature reserve. In addition, she gathered information regarding poaching, illegal diamond mining and the timber mafia as well as information relating to the hospitality industry which was allegedly violating environmental law. Recently, she had been engaged in denouncing an illegal diamond project in Chhattarpur district, Madhya Pradesh, led by a transnational mining company. She also engaged in freelance journalism and contributed to a news website on issues related to the environment and conservation.

Mmes. Mumta Bibi, Iberei Begum, Najida and Leila Bibi are four Muslim minority women who defend the rights of rural workers and the right to information concerning the Mahatma Gandhi National Rural Employment Guarantee Act under the RTI Act 2005 in Yairipok Singa Mathak Leikai, Thoubal district in Manipur.

According to the information received:

On 16 August 2011, at approximately 11:00 a.m., Ms. Masood was shot dead by an unidentified assailant outside her home in Koh-e-Fiza in Bhopal while on the way to an anti-corruption demonstration which she had organized with other human rights defenders at the Bhopal Boat Club.

The protest was part of a series of peaceful protests organized in various cities and towns of India by civil society organizations to demand strong anti-corruption laws. Ms. Masood was organizing a campaign involving a 200 foot wide banner on which the people of Bhopal were asked to write the names of corrupt leaders.

Some days before the attack, Ms. Masood reportedly spoke to the media of her intention to file a public interest litigation petition against a private college. She stated that the case involved very powerful people, including political leaders.

In 2010, Ms. Masood reported to authorities that she feared for her life at the hands of a senior officer in the Indian Police Service. She had allegedly reported the matter to two successive police chiefs of the state of Madhya Pradesh. She reportedly sent a letter to the current Director General of the Police in Madhya Pradesh accusing an officer of harassing her and making threatening phone calls to her. She attempted to seek clarification on the matter from the officer concerned; however he allegedly did not answer any of her calls nor reply to the text messages.

In 2008, she had also lodged a complaint in relation to this harassment with the city's Maharana Pratap Nagar Police Station.

Additionally, we have received information alleging a series of attacks and death threats against a number of other human rights defenders and their relatives:

On 25 April 2011, Mmes. Mumta Bibi, Iberei Begum, Najida and Leila Bibi reportedly lodged an application with the State Public Information Officer (SPIO) of Thoubal district. In this application, they allegedly requested information regarding the rights of rural workers under the Mahatma Gandhi National Rural Employment Guarantee Act because several had not received their passbook for job card holders and adequate supply of rice.

When the full information was not forthcoming from the SPIO, the women reportedly began organizing weekly meetings on Sundays in the local community hall. The purpose of these meetings was to discuss the question of right to information with other women of Yairipok Mathak Leikai.

On 1 May 2011, following one such meeting, a round of gun shots was reportedly heard near the house of Ms. Mumta Bibi. On 21 June 2011, three men approached Ms. Mumta Bibi's 13-year-old son and threatened him saying that he and his family would be killed if they continued to disobey their orders. The family lodged a complaint with the police at Yairipok, however to date it is reported that no official action has been taken.

On 8 May 2011, gun shots were heard outside the house of Ms. Iberei Begum and the front door of her home was allegedly kicked in. The next Sunday, 15 May 2011, another shot was reportedly heard near the home of Ms. Begum and an unidentified person was seen there.

It is reported that on 19 June 2011, Ms. Nadija was in the local market when she was forced into a nearby house by two women. She was allegedly beaten by the women and by other unidentified assailants. It is reported that Ms. Mumta Bibi, who came to her help was beaten on the head and fainted as a result. The attackers reportedly then fled and the two injured women were accompanied home by their relatives. According to information received, the women did not file a complaint with the police as their attackers had threatened them with reprisals were they to do so.

On 20 June 2011, at approximately 6:30 p.m., Ms. Leila Bibi's 15-year-old son was hit in the face by a resident of Yairipok Mathak Leikai as he was searching for a cow. The assailant then allegedly followed the boy back to his home and on arrival he attempted to strangle the husband of Ms. Leila Bibi.

When the boy's uncle came to see what was happening, he was stabled in the forehead. Ms. Leila Bibi's family lodged a complaint with the police following the event, but despite that the police allegedly stated that they were going to take the necessary action, to date the assailant has not been arrested.

Concern is expressed regarding the physical and psychological integrity of the aforementioned human rights defenders and their families in light of the acts of intimidation against them. Grave concern is expressed that the killing of Ms. Masood may be linked to her work in the defence of human rights, in particular the implementation of the RTI Act 2005, the documentation of cases of corruption and her work as an environmentalist. Further concern is expressed that the attacks and death threats against Mmes. Mumta Bibi, Iberei Begum, Najida and Leila Bibi, may be linked to their work in the defence of the right of rural workers, particularly the right to access to food, as well as the use of the RTI Act 2005.

While we do not wish to prejudge the accuracy of these allegations, we wish to stress that everyone has the fundamental right to life and security as set forth in article 3 of the Universal Declaration of Human Rights (UDHR) and in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which India acceded to on 10 April 1979. With regard to the alleged killing of Ms. Masood, we wish to recall that it is incumbent upon all Governments to conduct a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions in

accordance with principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Execution (adopted by the Economic and Social Council resolution 1989/65). We further express our serious concern about the alleged death threats against the aforementioned human rights defenders. According to principle 4 of the aforementioned instrument, “effective protection through judicial or other means” should be provided “to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”

We wish to draw your Excellency’s attention to the right to physical and mental integrity of the aforementioned human rights defenders and their families. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the UDHR and the ICCPR.

We would like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (*ordre public*), the protection of public health or morals of the protection of the rights and freedoms of others.”

In this connection, we would like 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, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually

and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- 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.

We would also like to recall article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Article 4 (c & d) of the Declaration, notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we also wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of

Discrimination Against Women (ratified by India on 9 July 1993), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation. Paragraph 9 of General Comment No. 19 makes clear that “under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

We also make reference to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned human rights defenders and their families are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the aforementioned human rights defenders and their families in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of these cases accurate?
2. Please provide any information on any complaints lodged by or on behalf of the alleged victims and their status.
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. 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?
5. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of the aforementioned human rights defenders and their families.
6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully is respected.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences