

Mandates of the Working Group on Arbitrary Detention; 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 the rights of indigenous peoples

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Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; 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 the rights of indigenous peoples, pursuant to Human Rights Council resolutions 33/30, 25/2, 32/32, 25/18 and 33/12.

In this connection, we would like to bring to the attention of your Government information we have received concerning continued attacks and intimidation against human rights defenders in the state of Chhattisgarh by the state police and state administration, in some cases in collusion with vigilante groups operating in the region, and in particular the arrest and detention of seven members of the Telangana Democratic Front (TDF), Mr. **Chikkudu Prabhakar**, Mr. **Bhalla Ravindranath**, Mr. **Durga Prasad**, Mr. **Duddu Prabhakar**, Mr. **Rajendra Prasad**, Mr. **Nazeer**, and Mr. **Ramananda Lakshme**. TDF's main aim is to promote and protect the rights of persons living in Telangana state.

Mr. Prabhakar is a lawyer at Andhra Pradesh and Telangana High Court and convenor of the Telangana Democratic Forum; Mr. Ravindranath is a lawyer at Andhra Pradesh and Telangana High Court, and General Secretary of the Committee for Release of Political Prisoners (CRPP); Mr. Prasad is an independent journalist in Hyderabad; Mr. Prabhakar is the President of Andhra Pradesh Kula Nirmulana Porata Samiti (Committee for Caste Annihilation); Mr. Prasad is a student leader and research scholar, member of Telangana Vidyarthi Vedika (Telangana Students Forum); Mr. Nazeer is a student leader and research scholar, member of Telangana Vidyarthi Vedika (Telangana Students Forum); and Mr. Laskhme is a student organizer and research scholar, secretary, Adivasi Tudem Dubba, Khammam.

According to the information received:

On 24 December 2016, the seven members of the TDF, Mr. Prabhakar, Mr. Ravindranath, Mr. Prasad, Mr. Prabhakar, Mr. Prasad, Mr. Nazeer, and Mr. Lakshme were allegedly arrested by the Telangana police at Dummaguddem village of Bhadrachalam district while on their way to investigate complaints of human rights violations, including extrajudicial killings, suffered by the indigenous tribal group of Adivasis in Chhattisgarh state.

On 25 December 2016, the seven aforementioned members of the TDF were handed over to the Chhattisgarh police at the Kunta police station.

On 26 December 2016, the seven human rights defenders were allegedly presented before the court in Sukma, which remanded them in custody. A criminal case was filed against them under Sections 8(1), 8(2), 8(3) and 8(5) of the Chhattisgarh Special Powers Security Act of 2005, for allegedly possessing 'banned literature' (Maoist literature) and old, banned currency notes.

On 3 January 2017, the seven human rights defenders of the TDF were denied bail by a district court in Dantewada, South Chhattisgarh. They have appealed the decision to the High Court in Dantewada.

More generally, human rights defenders in Chhattisgarh have been reporting intensifying acts of intimidation, assault and persecution in the course of their legitimate and peaceful activities in defence of human rights in the course of 2016.

Serious concern is expressed at alleged arbitrary arrest and detention of Mr. Chikkudu Prabhakar, Mr. Bhalla Ravindranath, Mr. Durga Prasad, Mr. Duddu Prabhakar, Mr. Rajendra Prasad, Mr. Nazeer and Mr. Ramananda Lakshme, which appear to be related to their legitimate human rights activities related to the promotion and protection of the rights of people living in Telangana state. We express equal concern that the charges brought against the human rights defenders represent a criminalization of the legitimate exercise of freedom of expression and therefore do not meet the standards of international human rights law. Further concern is expressed that these measures appear to have taken place in the context of a broader campaign against, and crackdown on, human rights activists in the region, including acts of intimidation, assault and persecution.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

The above allegations appear to be in contravention with international law, in particular the right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by India on 10 April 1979.

We would also like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which guarantee the right to freedom of opinion and expression (which includes the right to seek, receive and impart information), and the right to freedom of association, respectively. In this

connection, we would like to highlight that the banning of publications is incompatible with article 19 of the ICCPR as it does not meet the criteria for permissible restrictions under paragraph 3 of the provision.

We would also 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, also known as the UN Declaration on Human Rights Defenders, in particular its articles 1, 2, 5,6 and 12.

We also wish to refer to UN Declaration on the Rights of Indigenous Peoples which encourages States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

In addition, we refer to the Human Rights Council resolution 31/32 which in paragraph 10 underlines the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims belonging to minorities and indigenous peoples.

The above-mentioned facts also seem to be in contravention of the Basic Principles on the Role of Lawyers, in particular principle 16 and 23.

Finally we would also like to refer to Human Rights Council Resolution 22/6, which calls upon States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we wish to reiterate to Your Excellency's Government, our request for information on the initial steps taken to safeguard the rights of the aforementioned human rights defenders, in compliance with international instruments.

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. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the arrest and detention of the seven human rights defenders.
3. Please provide the details of the proceedings against abovementioned individuals, and explain how these are compatible with the international

norms and standards. In particular, please explain how the charges brought against them are compatible with India's obligations under international human rights law.

4. Please provide information of any measures taken to ensure the due process and fair trial rights of abovementioned individuals.
5. Please provide information about measures taken to bring the Chhattisgarh Special Powers Security Act of 2005 into line with international human rights standards.
6. Please indicate what measures have been taken to ensure that human rights defenders in India are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment and prosecution of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

In addition, we would like to draw your Excellency's Government's attention to paragraph 23 of the methods of work of the Working Group on Arbitrary Detention, according to which, "after having transmitted an urgent appeal to the Government, the Working Group may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

José Antonio Guevara Bermúdez
Vice Chair of the Working Group on Arbitrary Detention

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