

PRESS STATEMENT

20 August 2010

Release the Five Indian Human Rights Defenders and Women Human Rights Defenders Arrested on False Charges

(20 August 2010, Bangkok) Asian Forum for Human Rights and Development (FORUM-ASIA), which represents 46 human rights organizations in Asia, is gravely concerned by reports it has received on the unlawful arrest and detention of five (5) human rights defenders including three women human rights defenders in Tamil Nadu India on 15 August 2010.

We call on the Indian authorities to immediately release the 5 human rights defenders: **Mr. Gnana Diraviam; Mr. Anandan; Ms. Bharati Pillai; Ms. Niharga Priya and Ms. Sudha.** The harassment against renowned human rights defender **Mr. Henri Tiphagne** by naming him as an 'absconding accused' in the remand report of the five human rights defenders should be stopped immediately, given the fact that no charges have been filed against him, nor was he present at the police station at the time of arrest.

The arrests are a clear form of harassment against the legitimate work of human rights defenders in seeking to improve their capacity to conduct their work of documenting alleged violations and trying to protect the rights of victims. It is supremely ironic that they would be arrested under these circumstances¹. Under the United Nations *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*,² the Indian government has the responsibility and duty to recognize and protect the work of human rights defenders such as these five persons. This declaration has recognized the defense of human rights as a human right in itself.

Their arrest is thus a contravention of UN Declaration on Human Rights Defenders³ which protects such activities. Furthermore, in making these arrests, the law enforcers have demonstrated impunity in the way they violate basic human rights. Not only have these police officials arrested persons conducting legitimate activities that is a human right in itself, they have also prevented a lawful inquiry on an alleged torture case, which is one of the gross forms of violations of human rights.

Finally, the information we have received on the circumstances of the arrest of these human rights defenders indicate that the police officials responsible for the illegal arrest have acted deceptively to complete their reprehensible act.

¹ Please see the attached Annex for details of this incident.

² This declaration is also known as the Declaration on Human Rights Defenders, was approved by the UN General Assembly on 9 December 1998.

³ Article 6 of the UN Declaration on Human Rights Defenders specifically states that "Everyone has the right, individually and in association with others: (a) 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." And "[t]o 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."

FORUM-ASIA condemns the unlawful arrest of the five human rights defenders and urges the Indian authorities to:

- (a) Facilitate the immediate release of Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha;
- (b) Ensure that all charges against the above-mentioned human rights defenders and women human rights defenders are dropped;
- (c) Conduct an investigation into the unlawful arrest and detention of the five human rights defenders (including three women human rights defenders), as well as the accusation against Mr. Henri Tiphagne, as an 'absconding accused', with the view of publishing the results of this investigation and bringing the perpetrators to justice; Ensure that all human rights defenders and women human rights defenders in India are able to freely conduct legitimate activities promoting and protecting human rights, in accordance with the UN Declaration on Human Rights Defenders.

ENDORSEMENT:

- 1. People's Vigilance Committee for Human Rights (PVCHR)
- 2. Odhikar, Bangladesh
- 3. Information Monitor (INFORM), Sri Lanka
- 4. Informal Sector Service Center (INSEC)
- 5. People's Watch, India
- 6. Dalit Foundation, India
- 7. Centre for Human Rights and Development (CHRD), Mongolia
- 8. Globe International (GI), Mongolia
- 9. Korean House for International Solidarity (KHIS), Korea
- 10. People's Solidarity for Participatory Democracy (PSPD), Korea
- 11. Taiwan Association for Human Rights (TAHR), Taiwan
- 12. Citizen's Council for Human Rights Japan (CCHRJ)
- 13. Cambodian Human Rights and Development Association (ADHOC)
- 14. The Alliance of Independent Journalists (AJI), Indonesia
- 15. Indonesia's NGO Coalition for International Human Rights Working Group (HRWG)
- 16. The Indonesian Human Rights Monitor (IMPARSIAL), Indonesia
- 17. The Federation of Commission for the Disappeared and Victims of Violence
- 18. Indonesia Legal Aid Foundation (YLBHI), Indonesia
- 19. Indonesian Legal Aid and HR Association (PBHI), Indonesia
- 20. Yayasan Sekreteriat Anak Merdeka Indonesia (SAMIN), Indonesia
- 21. Education and Research Association for Consumers (ERA Consumers), Malaysia
- 22. People's Voice of Malaysia (SUARAM), Malaysia
- 23. Philippine Legal Resources Center (PLRC), Philippines
- 24. Task Force Detainees of the Philippines (TFDP), Philippines
- 25. Human Rights Education Institute of Burma (HREIB)
- 26. People's Empowerment Foundation (PEF), Thailand
- 27. The Law, Basic Rights, and Justice Foundation (HAK Association), Timor Leste
- 28. Judicial System Monitoring Programme, Timor Leste

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