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UN Human Rights Council

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Item 3

Inter-Active Dialogue with the Special Rapporteur on human rights defenders¹

Madam President,

Amnesty International welcomes the report of the Special Rapporteur on human rights defenders of her mission to India, which took place in January 2011.

The report notes that Indian law has strong provisions guaranteeing the rights of its citizens to freedom of expression and of association, but notes that the daily experience of defenders demonstrates the serious risks that they face and is greatly concerned over the impunity enjoyed by perpetrators of attacks on defenders. Amnesty International finds that defenders continue to be targeted by state and non-state actors. At least 30 have been physically targeted since 2008. Five have been killed since the Special Rapporteur's visit.

The Special Rapporteur focuses on human rights defenders working on specific rights or in specific locations. Threats are particularly acute for human rights defenders working in three areas:

- those highlighting violations in regions affected by armed insurgency and political violence;
- those working with marginalized communities, facing violations by state actors and abuses by non-state actors and private agencies; and
- those seeking to obtain information to protect rights by using recent legislation (the so-called "Right to Information" defenders).

As the Special Rapporteur notes, impunity for the violation of defenders' rights is a chronic problem. In Amnesty International's view this is illustrated through the following three emblematic cases:

¹ See also Amnesty International written statement A/HRC/19/NGO/68, available at these links:
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/106/18/PDF/G1210618.pdf?OpenElement> ; or
<http://www.amnesty.org/en/library/asset/ASA20/005/2012/en/05fd35c9-558c-4051-bc8d-cf9ae26b3467/asa200052012en.pdf>

- Jalil Andrabi, a lawyer from Jammu and Kashmir: 16 years after his murder, India is yet to act on a court order to seek the extradition for trial from the USA of a major in the territorial army who is accused of this crime.
- Soni Sodi, a school teacher and human rights defender in Chhattisgarh state is among those jailed on false charges. She has been tortured in custody, and the police official she says tortured her has been decorated for gallantry.
- Valsa John, a nun and human rights activist, was murdered after receiving death threats allegedly from illegal mining outfits in Jharkhand state. Seven persons have been arrested for her murder, but those who allegedly ordered it are still at large.

Amnesty International continues to recommend that Indian authorities:

- drop politically-motivated charges against defenders and immediately and unconditionally release those detained, and
- end harassment of defenders and ensure that they are able to carry out their legitimate and peaceful human rights activities without fear of harassment and intimidation.

Madam Sekaggya,

How have the relevant Indian authorities implemented your recommendation that it ensure prompt, impartial, independent and effective investigation into the killings of defenders? Have the national and state-level Human Rights Commissions taken sufficient measures in order to strengthen their capacity to protect human rights defenders?

Thank you Madam President. Thank you Madam Sekaggya.