

Justice Shri K.G. Balakrishnan
Chairperson, National Human Rights Commission
Faridkot House, Copernicus Marg,
New Delhi-110001
INDIA

Copenhagen, 26 August 2010

Dear Justice Shri K.G. Balakrishnan,

We are writing to you in your capacity as Chair of the National Human Rights Commission to express our serious concern regarding the arrest – on obviously false charges – of five human rights defenders of the Dalit Foundation on India's Independence Day (15th August 2010). Henri Tiphagne, Executive Director of People's Watch and a prominent force in India's human rights movement, has been identified as an 'absconding accused' by the police in the same criminal case.

The five human rights defenders were on a fact finding mission as part of a training programme in Dalit human rights monitoring, organised by People's Watch. They entered the police station in Veeravanallur, Tirunelveli, Tamil Nadu, to enquire about a torture case involving an officer serving at this very station and were subsequently arrested on false charges and remanded in judicial custody.

The case is very alarming and must be addressed immediately by the relevant Indian authorities. Unfortunately, the case must be viewed both in the context of the lack of protective mechanisms for human rights defenders as well as a widespread culture of impunity for crimes and acts of discrimination committed against Dalits (Scheduled Castes).

Detailed information on the issue, the organisations and individuals involved and the background, along with the appeal people are making, has already been supplied to you. More information can be found via this link: http://www.pwtn.org/dailt_trainees_arrested.html. A number of organisations have already addressed this case, including Amnesty International.

Kindly give your support to the following proposals:

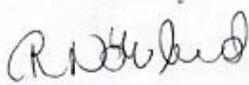
- Withdraw the false case on the five human rights defenders immediately and unconditionally as well as the case against Henri Tiphagne;
- Guarantee in all circumstances the physical security and psychological integrity of all the five human rights defenders;
- Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with its Article 1, which provides that "everyone has the right, individually and 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", as well as with Article 12.2 ("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 present Declaration”);

- Ensure that Dalits (Scheduled Castes) are not discriminated against, including when trying to defend their rights;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by India.

We do hope you will be able to take immediate action in this regard. We are also copying this to the Tamil Nadu State Human Rights Commission and the State Chief Minister’s office.

Sincerely,



Rikke Nöhrind
Coordinator
International Dalit Solidarity Network (IDSN)

IDSN Members and Associates: The National Campaign on Dalit Human Rights (NCDHR) – India; The Dalit NGO Federation (DNF) – Nepal; Bangladesh Dalit and Excluded Rights Movement (BDERM); Pakistan Dalit Solidarity Network; The Human Development Organisation – Sri Lanka; The Dalit Solidarity Network – UK; The Dalit Solidarity Platform – Germany; The Dalit Network – Netherlands; The Dalit Solidarity Network – Denmark; The Dalit Solidarity Network – Sweden; The Dalit Solidarity Network – Belgium; RAFTO Foundation – Norway; National Conference of Dalit Organisations (NACDOR) – India; Feminist Dalit Organisation (FEDO) – Nepal; National Federation of Dalit Women – India; Human Rights Watch; The Lutheran World Federation; The International Movement Against All Forms of Discrimination and Racism; Anti-Slavery International; The Minority Rights Group International; The Asian Human Rights Commission; The Robert F. Kennedy Foundation; Pax Romana ICMICA/MIIC; FORUM-ASIA; The World Council of Churches; The Commonwealth Human Rights Initiative; Asian Centre for Human Rights; Centre for Human Rights and Global Justice, NYU School of Law