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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Al Baraem Association for Charitable Work, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2021]

* Issued as received, in the language(s) of submission only.



Human Right Defenders' Arbitrary Detention in India

Al Baraem Association For charitable work finds it paramount to draw the Council's attention on the difficulties of being a human right defender in India. Human rights defenders, as a result of their commitment to human rights and fundamental freedoms, are the target of repression by the and by private or parastatal groups. This repression takes the form of restrictive laws and practices regarding freedom of association, expression and peaceful assembly, smear campaigns, abuse, death threats, arbitrary arrests and detention, forced disappearance, torture and assassination. Indian defenders subject to judicial harassment are often detained in secret before being subjected to summary trials or, on the contrary, extremely lengthy proceedings, which themselves become a form of punishment and prevent the defenders from conducting their activities. In India, HRD face a diverse range of attacks and harassment from state and non-state actors alike. In the Red Corridor, a region in East India experiencing Naxalite-Maoist insurgency, HRDs, including lawyers, researchers and journalists face acts of intimidation and persecution and work under tremendous pressure from authorities, rebels, and vigilante groups. People defending the rights of marginalised communities such as the Adivasi and the Dalit minorities can encounter death threats, destruction of their properties, fabricated charges, physical attacks, as well as caste-based discrimination by state and non-state actors alike. According to the NGO front line defenders, there are currently 437 defenders at risk active cases that are persecuted for their commitment towards human rights in India. Our association draw your attention about a Human Rights Defender Hany Babu Musaliyarveetil Tharayil, 54 years old. He is a human rights defender and an associate professor at the department of English, Delhi University. His areas of specialisation include policy, linguistic identity, marginalised languages and social justice. The human rights defender recently published an academic paper on 'Unequal Rights: Freedom, Equality, Life and Liberty of Citizens and Others'. Hany Babu is also a strong advocate of Dalit rights and has been actively helping underprivileged Dalit students get their scholarships and reserved seats at the University. In 28 July 2020, he was arrested in connection with the Bhima Koregan case, and detained at Taloja jail under the regressive anti-terrorism law, the Unlawful Activities Prevention Act (UAPA). His health is deteriorating day by day due to the unfavourable environment in the jail. Recently on 11 May 2021, family members of jailed human rights defender Hany Babu appealed to Indian authorities to provide him with immediate access to medical treatment. In early May 2021, the human rights defender developed a severe eye infection, which has already impaired his vision in his left eye, and has now spread to his cheek, ear and forehead. The human rights defender is in extreme pain, and continues to be denied access to basic facilities including clean water and treatment. Family members fear that the infection, given the rate it has already spread, may impact his vital organs but so far the Indian government has not taken any such step to save his health and life.

The UN Declaration of Human Rights Defenders adopted in 1998 contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding - such as the International Covenant on Civil and Political Rights that India ratified in 1979. The 9th article of the ICCPR says: "prohibits arbitrary arrest and detention". Therefore, we hope that the Council will urge the Indian State to release Hany Babu so that he come out and get better treatment.

We look forward to a positive response from the Office of the UN High Commissioner for Human Rights (OHCHR) and the Special Rapporteurs (SR) on the situation of human rights defenders.

European institution for Economic political and social reaserch Conceil universel des droits de l'homme, France, NGO(s) without consultative status, also share the views expressed in this statement.