

Safdar Hashmi Memorial Trust

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Date 22.5.2014

Justice KG Balakrishnan,
Chairperson,
National Human Rights Commission (NHRC)
New Delhi, India

Dear Sir,

Through this letter Safdar Hashmi Memorial Trust, expresses deep concern for the life and liberty of two human rights defenders (HRDs) Teesta Setalvad and Javed Anand who are also founding members and prominent functionaries of Citizen for Justice and Peace (CJP).

They face threat on several counts:

I. The work by them on behalf of CJP to assist the survivors of the 2002 massacres in Gujarat to access justice and to punish perpetrators. The new political regime in New Delhi is linked to that which left no stone unturned within Gujarat in the past decade to target efforts to ensure accountability and legal redressal.

II. Today, appeals lie in higher courts against the verdicts of Special Courts (monitored by the Supreme Court) that have accorded 117 convictions of life imprisonment to powerful perpetrators, many are members or supporters of the regime. Especially, the appeal filed by Mrs Zakia Jafri seeking the prosecution of Mr Narendra Modi and 59 others has been supported by CJP and stands at risk of being derailed.

III. False criminal cases (five in all) have been filed by the Gujarat police against Teesta Setalvad since 2004. The latest case falsely alleges embezzlement and Teesta Setalvad, Javed Anand and 3 survivors of the Gulberg massacre, Tanvir Jafri, Salim Sandhi and Firoz Gulzar Pathan are sought to be implicated. There is danger of arrest and intimidation under the new regime. So far, the Gujarat High Court has disallowed arrest until June 19, 2014. In two other cases, the Supreme Court has stayed prosecution by the Gujarat police of Teesta Setalvad.

We urge the National Human Rights Commission (NHRC):

1. To invoke powers under the Protection of Human Rights Act, take over investigation of these false cases and extend full protection to the HRDs who are being persecuted. Today, this intimidation could be extended through other state agencies.

2. Take a bold and unequivocal stand for the defence of human rights for all but especially for those fighting by the side of the survivors of 2002. One way would be for the NHRC to monitor officially the cases in the lower Courts, Gujarat High Court and Supreme Court.

With regards,

Secretary
Safdar Hashmi Memorial Trust
Trustees:

Prof Irfan Habib, Vivan Sundaram, Madangopal Singh, Sohail Hashmi, M.K.Raina,
Moloyshree Hashmi and
Ram Rahman