

## OPINION

**UN Human Rights Council report flags rampant intimidation, reprisal and detention of activists in India**

India figures among the 10 worst countries in this regard, besides China, Egypt, Iran, Saudi Arabia, Vietnam, Israel, Myanmar, the Philippines and Venezuela



Representative Image (Photo Courtesy: PTL)



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Many cases were being reported anonymously to the UN Human Rights because of fear of reprisal from governments across 45 countries including India, it has emerged. A new report presented to the UN Human Rights Council has documented allegations of reprisals and intimidation against some 240 civil society members, activists and journalists in the period May 1, 2020 to April 30, 2021.

Around 50 individuals experienced detention, while others were subjected to house arrest. The scope and severity of cases of intimidation and reprisal were in unacceptably high numbers, and they had to suffer simply because they had been cooperating with the United Nations.

In close to half of the countries, there were allegations of monitoring and surveillance, both online and offline, of individuals and groups. Numerous cases include hacking of accounts, travel bans, and other movement restrictions. Those whose names figured in the present and earlier reports were subjected to reprisal, intimidations, and detention.

India figures among the 10 worst countries in this regard, besides China, Egypt, Iran, Saudi Arabia, Vietnam, Israel, Myanmar, the Philippines and Venezuela.

Assistant Secretary-General for Human Rights, Ilze Brands Kehris has also highlighted before the UN Human Rights Council restrictive legislations, usually on grounds of national security, including counter-terrorism measures, or based on laws

governing activities of civil society organizations. “Let me be clear,” she said, “Claiming women’s rights before a UN body is not an act of terrorism and speaking up in UN on the rights of minorities or indigenous peoples is not a threat to national security.”

Moreover, the worrisome trend is where the organization is asked to report on a case where the alleged victim seeks anonymity. Out of the documented 240 individuals, more than 100 are not mentioned by name due to their protection issues from their victimizing governments.

The report includes new allegations from 13 communications concerning nine states, and one of them is India. Multiple UN actors addressed alleged intimidation and reprisals in India, including in relation to unresolved previous cases, and noted that restrictive legislation and the intimidation and reprisals of those cooperating with the UN may deter others from coming forward.

The UN High Commissioner for Human Rights expressed concern about the use of vaguely worded laws in India that constrain NGOs’ activities and restrict foreign funding, including the Foreign Contribution (Regulation) Act of 2010.

The report mentioned alleged threats, arbitrary detentions, terrorism charges, torture and ill-treatment of Waheed Ur Rehman Para by Indian authorities following his engagement with UN Security Council members. The cases relating to Nobokishore Urikhimbam, Henri Tiphagne, Khurram Parvez and the International Dalit Solidarity Network (IDSN) are also mentioned in the report.

Concerns relating to the use of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to hinder UN cooperation have been included in successive reports. The High Commissioner stated the FCRA “has been invoked over the years to justify an array of highly intrusive measures, ranging from official raids on NGO offices and freezing of bank accounts, to suspension or cancellation of registration, including of civil society organizations than have engaged with UN human rights bodies”.

As regards to 2020 amendments to the FCRA, the High Commissioner expressed her concerns and said that “actions based on the grounds of vaguely defined ‘public interest’ leave this law open to abuse, and that it is being used to deter or punish NGOs for human rights reporting and advocacy that the authorities perceive as critical in nature”. She also urged the Indian authorities to carefully review the FCRA for its compliance with international human rights standards.

The report mentions that Waheed Ur Rehman Para had engaged with UN Security Council members on July 30, 2020 in a closed virtual meeting where he raised issues related to the Government of India’s actions in Jammu and Kashmir, its treatment of Muslim minorities, and the recent border tensions with China.

Following this engagement, Para reportedly received threats from National Investigation Agency (NIA) officials, was arrested by the NIA on November 25, 2020 on alleged terrorism charges and held in its custody for one month at its headquarters in New Delhi.

While in NIA custody, Para was reportedly interrogated about the meeting with UN Security Council members and threatened to cease speaking against the government. He was held in a dark underground cell at sub-zero temperature, where he was allegedly deprived of sleep, seriously physically assaulted, including being beaten with rods, stripped naked and hung upside down.

On August 20, 2021, the Government of India responded to the note sent by UN Human Rights body and vehemently denied the allegations. It stated that the agency’s actions should be seen as part of the government’s efforts to combat terrorism financing.

The report of 2020 referred to a July 2019 OHCHR report on the situation of human rights in Kashmir, on both sides India and Pakistan. The report noted reprisals against Central Jammu and Kashmir Coalition of Civil Society (JKCCS), a union of various non-profit organizations based in Srinagar, which regularly cooperates with the UN. Names of additional sources for OHCHR’s report including victims of torture were withheld due to a fear of further reprisals. The situation of JKCCS and its chair Kurram Parvez and other members of the coalition were also included in the 2019, 2018, and 2017 reports.

Parvez has been subject to travel bans, arbitrary arrest and detention in relation to his cooperation with the UN. On October 28, 2020, the NIA, J&K Police, and the Central Reserve Police Forces reportedly targeted JKCCS, confiscating laptops, mobile devices and documents ranging from passports to salary slips, as well as hard drives containing surveys, testimonies, report drafts and highly sensitive data collected over decades about human rights violations, victims, and their families. NIA has accused them of ties to terrorism.

The situation of Henri Tiphagne from Centre for Promotion of Social Concerns (CPSC, also known as People's Watch) was included in the 2019 and 2018 reports. CPSC's license was not renewed under FCRA, which was a clear case of reprisal for cooperating with UN.

Allegations of reprisals against Centre for Social Development (CSD) in Manipur and its staff, and its secretary Nobokishore Urikhimbam were included in the 2020, 2019, and 2018 reports. Its staff had reportedly been under surveillance for submitting information to and meeting with the UN on human rights and other concerns related to uranium mining and cement factories in Meghalaya, and consequently the organisation's bank account was frozen on claims that it violated the FCRA. There was also an attempted shooting of his daughter.

The situation of the International Dalit Solidarity Network (IDSN) was included in 2020 report related to its application for consultative status with ECOSOC. However, the committee on NGOs has repeatedly deferred its application, reportedly the longest pending application. IDSN has been cooperating with UN.

**(IPA Service)**

**Views are personal**