

India: Provide full protection to human rights defender Teesta Setalvad

(Bangkok, 24 July 2015) - The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly urges the Government of India and the Indian judiciary to drop all charges against the social activist Teesta Setalvad and to provide her the full protection she has a right to under national and international law. Teesta, who is accused of violating the Foreign Contribution Regulation Act (FCRA), is a well-known human rights defender who has worked tirelessly seeking justice for the victims of the 2002 Gulbarg Society Massacre in Gujarat. FORUM-ASIA strongly condemns the earlier decision today by the Mumbai Special Court not to grant Teesta anticipatory bail, and applauds that she was still granted bail later today by the Bombay High Court.

“The Indian judiciary’s failure to reject the spurious charges against Teesta, demonstrates a worrying trend of the criminalisation of human rights defenders, which stifles their dissent,” comments Evelyn Balais-Serrano, Executive Director of FORUM-ASIA, *“The rights of all human rights defenders should be protected at all times, and the judiciary must take measures to ensure that this is fulfilled.”*

On 8 July 2015, the Central Bureau of Investigation (CBI) filed a case against both Teesta and the NGO Citizens for Justice and Peace under sections 35, 37 of the Penal Code and sections 3, 11 and 19 of the Foreign Contribution Regulation Act (FCRA) based on alleged violations of the FCRA. Despite Teesta’s cooperation with the investigation, the CBI raided the office of Citizens for Justice and Peace and the residence of Teesta and Javed on 14 July 2015. Furthermore, as well as opposing the anticipatory bail application of Teesta, the CBI told the Sessions Court on 17 July 2015 that they consider her to be a threat to national security .

“The raid on Teesta’s offices and house, as well as labelling her a threat to national security, by the CBI are signs of blatant misuse of power by the official bodies,” says Betty Yolanda, Country Programme Manager of FORUM-ASIA, *“The recent incidents are a continuation of the intimidation and harassment that has gone on for many years and are a result of Teesta’s restless work to achieve justice for the victims of the 2002 Gulbarg Society Massacre.”*. Despite a [previous call from FORUM-ASIA to end the harassment of Teesta and Javed](#), intimidation and threats have intensified.

The accusations come in the context of the broader judicial persecution of Teesta and Javed. Since January 2014 they have been under investigation for alleged embezzlement of funds intended for the construction of a memorial for the victims of the 2002 Gujarat riots. *“We view this as straightforward reprisals against their activism”* stresses Evelyn Balais-Serrano.

FORUM-ASIA is further concerned that the current persecution of Teesta will prevent her from attending and assisting in the scheduled hearing on 26 July in the Gujarat High Court of the case filed by Zakia Jafri against Narendra Modi and others. *“Instead of criminalising human rights defenders using trumped up charges, the Government of India should focus on establishing truth and justice for the victims of the Gulbarg Society Massacre,”* Evelyn Balais-Serrano adds.

FORUM-ASIA calls on the Indian judiciary to throw out the baseless charges against Teesta and in the interim provide her with the required protection and other appropriate measures.

Background

The Gulbarg Society Massacre took place on 28 February 2002 during three days of inter-communal violence in the state of Gujarat. A Hindu mob attacked the Gulbarg Society, a Muslim neighbourhood in Chamanpura, Ahmedabad. Most of the houses were burnt and at least 35 victims were burnt alive, while 31 others went missing. After the incident, those missing were presumed dead, bringing the total death toll to 69.

A special investigation team (SIT) within the Gujarat police was established to investigate the massacre. Seven years after the incident, in February 2009, the Deputy Superintendent of Police of Gujarat, at the time of the massacre, was arrested on charges of dereliction of duty and for tampering with evidence, as some survivors alleged that he not only allowed the killings to happen but also helped rioters to burn the dead bodies.

Teesta, as the Secretary of CJP, has been advocating for years for the victims of the Gulbarg Society Massacre and for bringing those involved to justice. She and Javed have been actively pursuing justice for the victims in the investigation of the massacre through legal support, including the documentation of several cases and assistance during hearing sessions at the Supreme Court. CJP also sought the criminal trial of Narendra Modi, then the Chief Minister of Gujarat, and other politicians and government officials for complicity in the Gulbarg Society Massacre.

About FORUM-ASIA:

FORUM-ASIA is a Bangkok-based regional human rights group with 47 member organizations in 16 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta and Geneva. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expressions, assembly and association, human rights defenders, and democratisation.

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