



Working Group on Human Rights
in India and the UN

WGHR condemns the action of the Gujarat High Court and its utterances on human rights defender Teesta Setalvad

13 February 2015

The Working Group on Human Rights in India and the UN (WGHR), a coalition of Indian civil society organisations and independent experts, takes strong exception to the turning down of the Anticipatory bail applications of Teesta Setalvad, secretary of Citizen's for Justice and Peace, Javed Anand and two others by the Gujarat High Court on 12 February 2015 in a case of alleged misappropriation of funds for a memorial at Gulberg housing society, one of the areas devastated in the 2002 post-Godhra riots in Gujarat. The Gujarat High Court had on January 30 reserved the order on the bail petitions filed by Setalvad, Anand, Tanvir Jafri (whose father and former Congress MP Ehsan Jafri was killed during the 2002 Gujarat riots) and Firoz Gulzar, a resident of the Gulberg Society in Ahmedabad.

WGHR is shocked to learn that just after the rejection of the anticipatory bail plea the Gujarat Police moved to arrest Teesta Setalvad and her husband, Javed Anand in Mumbai. The arrest of Teesta Setalvad has been stayed for 24 hours at the intervention of the Supreme Court on 12th February 2015 until 19th February when the petition for anticipatory bail is to be heard. The latest action is part of a long series of vindictive actions undertaken by the vengeful Gujarat government and police to somehow implicate Teesta Setalvad, Javed Anand along with three victim survivors of the state sponsored carnage in Gujarat in 2002 on patently trumped up charges. The Gujarat Police have targeted Teesta Setalvad for her relentless championing of the rights of the victims of the Gujarat pogroms of 2002. It is evident that the malicious intent of the case and the threat of arrest are diversionary tactics to consume their time and energies in defending their own liberty, instead of pursuing the legal battle relating to the riots. WGHR also wishes to appreciate the Supreme Court of India for its immediate intervention in ensuring that the arrest was immediately stayed.

It is a matter of record that Teesta Setalvad and others have rebutted the charges in affidavits filed in courts. They have submitted their original bank statements, balance sheets and audited accounts that completely disprove the allegations. WGHR expresses in unequivocal terms its disappointment on the general comments of the honourable High Court on the works of civil society groups and NGOs which are in forefront of the struggle for justice for victims of human rights violations and establishing rule of law. WGHR also wishes to record that Teesta and her colleagues had placed all the documents that they had submitted to the court in the process of the hearing of this anticipatory bail in the public domain running to several thousands of pages. WGHR also recognises Teesta and her colleagues for their simplicity in living as opposed to the utterances of the High Court of Gujarat in its order.

WGHR extends its solidarity with human rights defender Teesta Setalvad who is a member of the WGHR coalition in her quest for justice for the victims of 2002 Gujarat violence. Teesta Setalvad, a journalist and a committed human rights defender is among the founding members of Citizens for Justice and Peace, Mumbai (CJP) which was formed to fight for justice for the victims of communal violence in the state of Gujarat in 2002. Because of her work as a defender Teesta has become a target of Gujarat government's arbitrary use of state power.

The United Nations “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” (March, 1999) acknowledges that human rights defenders play a very important role in the promotion and protection of human rights and it is the duty of every State and its administrators to avoid criminalisation, stigmatisation, impediments, obstructions or restrictions on the work of human rights defenders. WGHR therefore, demands an independent review of the false cases by an independent agency to put an end to the continuing persecution and malicious propaganda being circulated against the human rights defenders, Teesta Setalvad of Citizens for Peace and Justice and others.

WGHR also hopes that the Supreme Court of India while hearing the anticipatory bail petition of Teesta Setalvad and her colleagues will also use the opportunity to recognise the rights of human rights defenders and ensure that the Courts of law in the country are much more responsible in their utterances against such human rights defenders.

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The Working Group on Human Rights in India and the UN – a national coalition of fourteen human rights organisations and independent experts – works towards the realisation of all civil, cultural, economic, political and social human rights in India and towards holding the Indian government accountable to its national and international human rights obligations. For information on WGHR, please visit: www.wghr.org.

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