

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 36/6, 35/15, 34/18, 41/12, 34/5, 34/6, 40/16, 34/19 and 36/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received, following the revocation of the state of Jammu and Kashmir's status under Article 370 of the Constitution of India and reorganization into two union territories, concerning the **sudden closure of the Jammu and Kashmir State Human Rights Commission (SHRC) in October 2019 which has left the people of the region with limited legal recourse to seek justice for potential human rights violations committed against them including enforced disappearances, extrajudicial killings, torture and sexual violence and created uncertainty as to how pending cases will be treated.**

In this connection, we are also writing regarding information we have received concerning **hundreds of alleged cases of enforced disappearances in Baramulla, Bandipora and Banihal Tehsil Ramban Districts, most of whom appear to be members of the Muslim and other minorities, as well as allegations of thousands of unmarked grave sites across north Kashmir, which were being investigated by the SHRC and how investigations into these and other cases have been directly affected by its closure.**

The Working Group on Enforced or Involuntary Disappearances has raised concerns regarding alleged enforced disappearances in Jammu and Kashmir and the existence of unmarked graves containing the remains of unidentified individuals on

multiple occasions including in General Allegations transmitted on 22 July 2009, 11 February 2011, 29 April 2013, and 28 March 2019. The Working Group regrets that no reply has been received to date, despite reminders being sent each year. The Working Group also currently has more than 400 cases of alleged enforced disappearances in India outstanding under the humanitarian procedure, many of which relate to Jammu and Kashmir.

The Special Rapporteur on extrajudicial, summary or arbitrary executions also raised the issue of alleged unmarked graves and enforced disappearances in Jammu and Kashmir in the report on the visit to India in 2012 (A/HRC/23/47/Add.1, paras. 86-87).

According to the information received:

1. Closure of the Jammu and Kashmir State Human Rights Commission

The SHRC was established in 1997 under the Jammu & Kashmir Protection of Human Rights Act, 1997.¹ Although the SHRC had only been equipped with recommendatory powers,² it could nevertheless initiate investigations, make inquiries into complaints, and review and critique existing laws in light of international human rights standards. It could also carry out research and produce studies for the promotion and protection of human rights.

The SHRC provided a platform for victims of human rights violations to seek redress without requiring a lawyer. It is important to note that even individuals from remote villages in Jammu and Kashmir had been engaged with the SHRC. In many cases, inquiries and investigations undertaken by the commission had led to the acknowledgement of a crime or violation by the State, which it had otherwise previously denied. Furthermore, the families of many victims received *ex-gratia* relief and other forms of compensation following its recommendations.

For instance, in 2011 the SHRC acknowledged that mass rape and torture had been perpetrated by the Indian armed forces in Kunan Poshtpora in the Kupwara district in 1991. The commission recommended further investigations into the case and compensation for the victims. Similarly, in response to the Sailaan Massacre case, where 19 people were shot at point blank range by the Indian armed forces in August 1998, the SHRC recognized that the alleged crime had taken place.

Although the SHRC faced a number of limitations, it was widely seen as the only State institution in Jammu and Kashmir that was easily accessible to aggrieved persons for acknowledgement of human rights violations and some form of remedy. The non-compliance that subsequently followed several of its non-

¹Jammu & Kashmir Protection of Human Rights Act, 1997 <http://jkhome.nic.in/pdfs/J&K-Human-Rights-Act-1997..pdf>

² Jammu & Kashmir Protection of Human Rights Act, 1997. Chapter IV Procedure. Point 19 - Steps after Inquiry

binding judgments helped shine a light on the State's or local authorities' disregard for human rights norms. The judgments and information of the SHRC were regularly used by civil society organizations and human rights defenders to strengthen their documentation and other advocacy work.

On 5 August 2019, the Government of India revoked the special status and limited autonomy, granted under Article 370 of the Indian Constitution, to Jammu and Kashmir through the Jammu and Kashmir Reorganization Act, 2019.³ The Act reconstituted the state of Jammu and Kashmir into two separate union territories: 'Jammu and Kashmir' and 'Ladakh', effective from 31 October 2019, seeing India's only state with a Muslim majority population lose some of its autonomy and other protective measures for its identity by becoming union territories.

On 31 October 2019, the SHRC was consequently closed by order of the Indian State.⁴ The order also gave instructions for the transfer of all records pertaining to the SHRC to the Department of Law, Justice and Parliamentary Affairs "for record".

The closure of the independent SHRC has left citizens, human rights defenders and civil society in Jammu and Kashmir, particularly Muslim and other minorities, with limited legal channels to seek redress and accountability. In addition, the sudden nature of its closure meant that many of its investigations and other processes were not completed. No information was provided by the local or national authorities about the total number of ongoing or pending cases at the time of its termination. The official website of the SHRC was also promptly taken down.

The Government reportedly did not provide clear information in the following months about the closure of the SHRC and the effects of this decision, particularly on Muslim and other minorities. As of early May 2020, the Government had not indicated, publically or to victims, if pending or ongoing investigations, inquiries, and other processes would be completed. Consequently, many ongoing cases, and thousands of individuals who were seeking justice for human rights violations, have been directly affected. The following are three examples of such pending cases concerning several hundred victims.

It is further reported that the lack of access to justice is exacerbated by the continued restrictions to online expressions, which are said to have been shut

³ <http://egazette.nic.in/WriteReadData/2019/210407.pdf>

⁴ Government Order No. 1143-GAD of 2019, dated 23 October 2019, coming into effect from the 31 October 2019. Six other Jammu and Kashmir commissions were also closed. Namely the: State Information Commission (SIC), State Consumer Disputes Redressal Commission (SCDRC), State Electricity Regulatory Commission (SERC), State Commission for Protection of Women and Child Rights (SCPWCR), State Commission for Persons with Disabilities (SCPwD), and State Accountability Commission (SAC).

down for more than 10 months. On 17 June 2020, internet restrictions in Jammu and Kashmir were extended again, until 8 July 2020, thus continuing to deprive inhabitants from submitting complaints about human rights violations or abuses.

Enforced Disappearances in Banihal Tehsil of Ramban District

On 10 December 2011, the SHRC started documenting 132 cases of enforced disappearances that had allegedly occurred in a village in Banihal Tehsil of Ramban District from 1989 onwards. While some of the families of the victims had registered their cases in their local or pertinent police stations, many others had been unable to file missing persons' reports or complaints due to various security related reasons. In all cases, the families had made extensive efforts to ascertain the whereabouts of their relatives, sometimes including visits to various official locations (such as military camps, jails, and other facilities) but they had largely been unsuccessful.

On 20 April 2017, in response to a notice issued by the SHRC, the Additional Deputy Commissioner of Ramban District submitted a report to the SHRC, as well as a list of disappeared people whose family members had received *ex-gratia* compensation. In this report, it was admitted that 129 cases of the 132 had been "accepted as missing." In addition, according to the report, 90 cases were described as 'missing without any report filed', 22 cases as 'missing with report registered', 4 cases as 'repetitions', 9 cases as 'not missing', 6 cases as 'reportedly militant, alive and in ...[Pakistan Administered Kashmir]... or whereabouts not known', and 1 case was not responded to. The report also detailed how the government had disbursed *ex-gratia* relief to 41 persons amounting to Rs. 4,100,000 (Rs. 41 lacs), while 15 individuals had received Rs. 6,000,000 (Rs. 60 lacs) as cash compensation in lieu of government jobs.

At the time preceding its closure, the SHRC had received a submission urging it to direct the registration of 'First Information Reports' and investigations in relation to persons who had been described as "missing without a report" and 'missing with report registered' in the Additional Deputy Commissioner's report in order to find the whereabouts of the victims (including through investigation of graves) and to identify the accused persons. In all such cases where there had not been *ex-gratia* relief, the SHRC had been urged to call on the relevant authorities in the Ramban District to grant or process it immediately. In relation to the cases that had been categorized as 'not missing,' the SHRC had been called upon to investigate the matter and subsequently produce an independent report. Some inaccuracies in the Additional Deputy Commissioner's report had also been raised. All these processes were seemingly halted with the closure of the SHRC on 31 October 2019.

Enforced Disappearances in Baramulla and Bandipora Districts

On 30 August 2012, the SHRC started working on a case relating to 507 allegations of enforced disappearances from various villages in two districts

of Baramulla and Bandipora in north Kashmir from 1989 onwards. Of these, 369 cases occurred in the Baramulla district while 138 pertained to the Bandipora district.

According to testimonies of family members, out of the 369 cases from Baramulla, it was alleged that 141 persons were subjected to enforced disappearance by the Indian armed forces, 76 were disappeared by unidentified gunmen, 8 persons were disappeared by militants, and 144 had disappeared in unknown circumstances. In regard to the 138 cases from Bandipora, the families alleged that 40 persons were subjected to enforced disappearance by the Indian armed forces, 10 were disappeared by militants, 46 persons were abducted and disappeared by unidentified gunmen, and 42 disappeared in unknown circumstances.

The SHRC had been urged to order the provision of *ex-gratia relief* and other benefits to families of the victims and to ascertain the whereabouts of these persons, including through the investigation of suspected mass graves across the region.

On 4 July 2017, in response to a letter issued by the SHRC on 8 February 2017, the Deputy Commissioner of Baramulla submitted a list of 122 disappeared persons, which was verified by the Superintendent of Police of the same district. However, this list reportedly lacked substantive details and largely provided figures rather than specifics. In particular, the list reported that out of the 369 cases in Baramulla, 102 were “missing”, 69 were “not missing”, 89 had “no report at the police station”, 96 had “no response”, 2 cases had not been included in a report “due to wrong information”, 5 cases had not been responded to “due to no jurisdiction of police”, 4 cases had “no information”, and 2 cases were “repetitions.” In regard to the 138 cases from Bandipora, the police mentioned 84 as “missing” and 34 as “not missing,” while 20 cases received no response.

The investigation was ongoing at the time of the closure of the SHRC and the human rights body had directed the State to undertake a further inquiry into the allegations. It is unclear if and how this recommendation and the process more broadly will be completed.

Cases of unmarked and mass graves in north Kashmir

Between 2008 and 2009, several reports were submitted to the SHRC documenting 940 unmarked graves in the Uri area of Baramulla district in north Kashmir, and 2,700 unknown and unmarked graves, containing over 2,943 bodies, across 55 villages in Baramulla, Bandipora and Kupwara districts in north Kashmir. Among the 2,700 graves in Baramulla, Bandipora and Kupwara, 154 graves contained two bodies each and 23 were mass graves containing more than two (ranging from 3 to 17).

The SHRC subsequently conducted a comprehensive inquiry into these allegations. On 2 July 2011, it released an Inquiry Report in which it corroborated that, in the 38 locations where the investigation was carried out, there were 2730 unidentified dead bodies in various unmarked graves. 574 persons who had been buried as foreign militants were in fact identified as residents of Jammu and Kashmir, 2156 others remained un-identified.

On 18 October 2011, the SHRC issued the following recommendations:

- The identification of bodies in unmarked graves should be ensured through DNA testing, dental examination, identification of distinct medical or physical characteristics, finger prints, carbon dating, forensic pathology, and other relevant techniques.
- Police should make available any records and information pertaining to the identification of buried bodies in unmarked graves, of both civilians and militants, to persons who are seeking to identify disappeared persons.
- A commission of inquiry should be appointed to investigate the cases of enforced disappearances and bring perpetrators to justice.
- Compensation should be provided to the families of identified disappeared persons.
- An independent and structured body with the authority and capabilities to fully investigate cases of disappearances and unmarked graves, identify deceased individuals, and pronounce judgements for any and all such cases should be established.

On 13 August 2012, in response to the SHRC recommendations, an action-taken report (ATR) was submitted by the Home Department of Jammu and Kashmir, stating that it had established an “Empowered Commission” to look into the cases of unmarked graves and that all the unidentified bodies buried in unmarked graves were of “terrorists” or “combatants” that had died during “engagements with security forces” and belonged to either “foreign land” or not to areas where encounters had taken place. The report also refuted that any of the bodies in the unmarked graves belonged to local individuals, indicating that all the bodies of local militants had been handed over to their legal heirs.

In relation to the recommendation to carry out DNA-testing of the unidentified bodies in unmarked graves, the report stated that this would require significant investment in facilities for forensic testing as there were only “15/16 recognized labs in the Government as well as in the Private Sector, in the entire country” that could conduct these tests. As a result, Jammu and Kashmir state had refused to carry out DNA and other tests, stating that it would take years to complete the process.

On 26 October 2017, following another SHRC report acknowledging the existence of 3844 unknown, unmarked and mass graves, this time in the Poonch and Rajouri Districts of Jammu and Kashmir, the SHRC urged the government to

carry out a comprehensive forensic examination, including DNA testing, into all these sites within a period of six months.

However, instead of complying with the repeated directions and recommendations of SHRC for investigation into these and other unmarked graves, the Government has continually avoided undertaking any such investigations. At the time of closure of SHRC, no further ATR had been filed by the State in relation to the graves.

While we do not wish to prejudge the accuracy of these allegations, we express our concern at what appears to be deliberate, undue and unreasonable delay on the part of local authorities and the Indian State more broadly to conduct prompt, effective, and thorough investigations into allegations of enforced disappearances and extrajudicial killings, affecting mainly Muslim and other minorities. The scale and geographic spread of the unmarked and mass graves that have reportedly been found in north Kashmir are particularly alarming, as is the government's refusal to take measures to identify the remains discovered despite being directed by the SHRC to do so. We are further concerned that many families have now been waiting decades for information on the fate and whereabouts of their loved ones.

We are also concerned that the above allegations fall into a broader pattern of systematic limitations to fundamental rights in Jammu and Kashmir, particularly for Muslims and other minorities. In this regard, we view the sudden and unexplained closure of the SHRC as a deeply negative development towards the enjoyment of human rights and the pursuit of justice for individuals in the region, particularly as no information has been provided to the victims on the closure and if or how the pending cases will be dealt with going forward. We are of the view that in its absence, together with the continued internet restrictions, the already problematic human rights situation in the region will continue to deteriorate further.

Should these allegations be confirmed, they would contravene international human rights law provisions, such as the right to life, the right to be free from torture, inhumane and degrading treatment, the right to freedom of expression, the right to peaceful assembly and association and the right to equal protection of law without discrimination in accordance with articles 6, 7, 19, 21, 22, and 26 of International Convention on Civil and Political Rights (ICCPR), which India acceded to on 10 April 1979.

Under international human rights law, States have a positive duty of due diligence to investigate all allegations of enforced disappearances and potentially unlawful killings, and to do so in an independent, impartial, prompt, effective, thorough and transparent manner. This duty continues to apply in situations of internal disturbances and tensions, as well as those of armed conflict, and irrespective of the time elapsed. We remind that this obligation is applicable to any individual who has been allegedly forcibly disappeared or unlawfully killed, regardless of whether he or she was a civilian or an

alleged “terrorist” who had died in the course or as a result of counter-terrorism or security operations.⁵ The dead must always be treated with respect and dignity. This lies at the core of all international human rights law and failures in this regard constitute a violation of the right to a family life and even a violation of the prohibition of torture and ill-treatment.⁶

We consequently urge your Excellency’s Government and the local authorities in Jammu and Kashmir to undertake **prompt, thorough, and impartial investigations into all alleged cases of enforced disappearances in Baramulla, Bandipora and Banihal Tehsil Ramban Districts and to investigate and take measures to identify the remains in each of the thousands of unmarked graves that have reportedly been found in north Kashmir. We also urge your Excellency’s Government to reconsider the closure of the SHRC or to promptly establish an equivalent independent body, or bodies that could assist and guide official investigations and help ensure that they are in full compliance with international human rights norms. We further urge your Excellency’s Government to restore internet services immediately.**

In this connection, we refer your Excellency’s Government to the **Annex on Reference to international human rights law** attached to this letter, which enumerates some of the main international human rights norms and standards that appear to be contravened by the previous allegations.

In view of the urgency of the matter, we would appreciate an initial response on the steps taken by your Excellency’s Government guarantee that the investigations proceed promptly, effectively and thoroughly in line with international standards and to ensure that individuals have access to legal redress, council, and support in Jammu and Kashmir.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would also be grateful for your observations on the following matters:

1. Please provide any information and/or comments you may have on the abovementioned allegations.
2. Please provide information on the legal basis for and reasoning behind the closure of SHRC. Please provide information on the measures that have since been implemented or envisaged to ensure that the support and services it **independently** provided to individuals, human rights defenders and organizations in Jammu and Kashmir continue to be available and easily accessible to them.

⁵ A/HRC/43/46/Add.1

⁶ See *Staselovich v. Belarus* (CCPR/C/77/D/887/1999).

3. Please explain if and how SHRC cases, investigations, and recommendations that were ongoing at the time of its closure will be completed or enacted.
4. In particular, please provide the details and, where available, the results of any further investigation and judicial or other inquiries which may have been carried out, or which are foreseen, into the previously described allegations of enforced disappearances in Baramulla, Bandipora and Banihal Tehsil Ramban Districts.
5. Please provide information on whether the Government intends to comply with the SHRC's directives to conduct comprehensive forensic examination, including DNA testing of the remains discovered in mass or unmarked graves in north Kashmir.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Given the seriousness of the matter, we believe that it requires the most serious attention on the part Your Excellency's Government, and would thus appreciate a response to this communication at your earliest convenience. For the same reason, we may publicly express our concern in the case. Any public expression of concern on our part would indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to Article 6(1) of the International Convention on Civil and Political Rights (ICCPR), which India acceded to on 10 April 1979, which provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In General Comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted. Moreover, in General Comment No. 31 the Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its own security forces.

We would further like to refer your Excellency's Government to articles 19, 21 and 22 of ICCPR, and articles 19 and 20 of the Universal Declaration of Human Rights, which provides that "[e]veryone has the rights to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, of peaceful assembly and of association." Moreover, we would like to reference a report by the Special Rapporteur on the right to freedom of peaceful assembly and association, A/HRC/20/27, para.75 in which he emphasized that "[t]he suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law."

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) also provides detail on the duty to investigate potential unlawful deaths "promptly, effectively and thoroughly, with independence, impartiality and transparency." This duty continues to apply in situations of internal disturbances and tensions, and armed conflict (para 20). In particular we note the authorities must "conduct an investigation as soon as possible and proceed without unreasonable delays... The failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time" (para 32). The duty of promptness does not justify a rushed or unduly hurried investigation. We remind that amongst other things, investigations into alleged unlawful killings should seek to determine who was involved

in the death, and their individual responsibility for it, and seek to identify any failure to take reasonable measures which could have had a real prospect of preventing the death. It should also seek to identify policies and systemic failures that may have contributed to a death, and identify patterns where they exist (para 25.).

We further highlight that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life and that states are required to conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance and introduce prompt and effective procedures to investigate cases of disappearances thoroughly, by independent and impartial bodies (Human Rights Committee, General Comment 36). We remind that no circumstances whatsoever may be invoked to justify enforced disappearances, that investigations should be conducted for as long as the fate of the victim remains unclarified and that enforced disappearance should be considered a continuing offence for as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified (article 7, 13 and 17 of the Declaration on the Protection of all persons from enforced disappearance).

We would like to recall that, as established by the Human Rights Committee in its General Comment No. 31 (paragraph 18), failure to investigate and prosecute serious human rights violations, including summary or arbitrary killings, torture and other cruel, inhuman or degrading treatment, and enforced disappearances is in itself a breach of the norms of human rights treaties, and that impunity for such violations can be an important element contributing to the recurrence of violations.

Moreover, the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity recalls that impunity arises from a failure by States to meet their obligations to investigate violations; to ensure that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations (principle 1).

We would furthermore like to bring to your Excellency's Government's attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human

Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to refer to article 6(a) which guarantee the rights to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and 9(2) which allows everyone whose rights or freedoms are allegedly violated, the right to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.