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26 November 2003

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Your Excellencies,

The International Commission of Jurists (ICJ) consists of jurists who represent all the regions and legal systems in the world working to uphold the rule of law and the legal protection of human rights. The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) is dedicated to promoting the independence of judges and lawyers throughout the world.

We are writing to you to express our concern at the harassment of K.G. Kannabiran, President of the People's Union for Civil Liberties and well-known human rights lawyer from the state of Andhra Pradesh. We are furthermore worried that this is not the first case where a lawyer from Andhra Pradesh is harassed for discharging his or her professional duties.

We have received reliable information that following the unfortunate and condemnable attack on Chief Minister Chandra Babu Naidu on 1 October, there was a general initiative to crack down on various persons. This initiative also resulted in pressure being brought on Mr. K.G. Kannabiran. Thus, on 2 October Mr. Kannabiran's daughter – Dr. Kalpana Kannabiran– received a threat that her two young daughters would be kidnapped and done away with. A complaint was filed with the police, but no investigations appear to have been undertaken. On 3 October, two men tried to enter Mr. Kannabiran's house, but on being denied entry, sped away on a motorcycle marked "police". On 4 October, the Tamil Nadu

Peoples Union for Civil Liberties (PUCL) wrote to the chairman of the National Human Rights Commission detailing these facts and recalling earlier incidences where Mr. Kannabiran had been threatened. No response has been received to date.

Targeting a lawyer and his family in this way constitutes a form of harassment and intimidation that is incompatible with international human rights standards. In this regard, we would like to draw your attention to the *United Nations Basic Principles on the Role of Lawyers*, adopted by the U.N. General Assembly in 1990, which call on Governments to protect lawyers from all attacks:

Principle 16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Furthermore, the *Principles* require Governments to protect lawyers when they receive threats as a result of discharging their functions:

Principle 17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

The case of Mr. Kannabiran and his family is not the first instance in which human rights lawyers and defenders have been harassed for denouncing human rights violations in Andhra Pradesh. There have been numerous reports of several acts of intimidation against human rights defenders, including torture, arbitrary arrest and detention, violations of fair trial standards and curtailment of freedom of assembly and association. These acts have been reportedly carried out by police officers and death squads who are said to either owe allegiance to the State police or who are protected by the police.

We therefore request the Union Government and the Government of Andhra Pradesh to take immediate steps to ensure that the authorities cease all harassment of Mr. Kannabiran and his family. We also urge that appropriate legal measures be taken against those responsible for the attempted search and the threats against Mr. Kannabiran's grandchildren. We furthermore call on the Union Government, in line with its international obligations, to ensure the protection of all human rights defenders and guarantee their security from attacks by State agents or death squads.

We will continue to closely monitor this situation.

Please receive, Your Excellencies, the assurances of my highest consideration.

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Acting Secretary-General

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