

24 June 2019

India: Fabricated criminal charges filed against Lawyers' Collective and Anand Grover

On 13 June 2019, the Central Bureau of Investigation (CBI) filed a First Information Report (FIR) against **Lawyers' Collective** (LC), **Anand Grover**, and its other representatives. The FIR contains serious criminal charges, including criminal conspiracy, criminal breach of trust under the Indian Penal Code (IPC), Foreign Contribution Regulation Act 2010 (FCRA) and Prevention of Corruption Act, 1988 (PC), and names the President of LC, Anand Grover, as an accused.

Lawyers' Collective (LC) is a Delhi-based human rights organisation founded by Anand Grover and Indira Jaising. It comprises human rights lawyers who have advocated over the past 38 years for the rights of marginalised groups through the effective use of legal aid, litigation and advocacy. In a context of increasingly repressive state actions, LC has stood firmly beside victims including human rights defenders seeking justice and accountability against state oppression and human rights violations. In the recent past, LC, Anand Grover, and Indira Jaising have been involved in several sensitive and high profile cases, including representing human rights defenders jailed on false charges related to the Bhima Koregan violence in January 2018. Some of the cases taken up by the organisation also include those against prominent Indian Ministers and officials of the ruling National Democratic Alliance (NDA) government.

The FIR was filed against the backdrop of LC's work and systematic targeting of human rights defenders in India. It has been widely condemned by national human rights defenders and international human rights organisations. The FIR contains serious charges which include Sections 120–B (criminal conspiracy) r/w, Section 406 (criminal breach of trust), 420, 199 (false statement made in a declaration) of the Indian Penal Code (IPC), r/w Section 33 (making false statements or declarations), 35, 37, 39 of the Foreign Contribution Regulation Act 2010 (FCRA) and Section 13 (2), r/w 13 (1) (d) of the Prevention of Corruption Act 1988 (PC). Many of the offences included in the FIR carry a minimum mandatory prison sentence.

The FIR is based on a 2016 report by the Ministry of Home Affairs which resulted in the suspension of LC's FCRA license on 31 May 2016, which was followed by the rejection of the renewal of the license on 28 October 2016 and its subsequent cancellation on 27 November 2016. Under the Foreign Contribution Regulation Act 2010 (FCRA), organisations are required to have an FCRA license in order to receive foreign contributions.

The cancellation and non-renewal of LC's FCRA license have been challenged by LC before the Bombay High Court and is therefore sub-judice. Between 2016 and 2019, no actions were taken to file criminal charges against LC. There has also been no material change in the circumstances of the case. However, on 15 May 2019, the Ministry of Home Affairs instructed the Central Bureau of Investigation (CBI) to call for a further investigation into LC's FCRA license, pursuant to which the FIR of 13 June was filed by the CBI. This move by the CBI is premature, without legal basis, and clearly politically motivated. LC in a public statement has categorically denied the allegations in the FIR.

Front Line Defenders is extremely concerned about the targeting of the Lawyers' Collective and Anand Grover through legal or other means, as it is believed to be solely motivated by their peaceful and legitimate work in defence of human rights in India. The FIR filed against the Lawyers' Collective ignores the cases pending before the court, the lack of material change in the circumstances of the case, and the lack of any evidence or basis for the charges. In a country where process is the punishment, subjecting LC and its President Anand Grover to such serious criminal charges, has the effect of undermining their work and security, and distracts from the

critical work being done by LC in defence of human rights.

Front Line Defenders urges the authorities in India to:

1. Immediately revoke the FIR and drop all charges against Lawyers' Collective and Anand Grover pending the decision of the Bombay High Court;
2. Refrain from misusing the provisions of law, including the FCRA, against human rights defenders in India;
3. Guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that 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, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 9 (3)(c): *"everyone has the right, individually and in association with others, inter alia: (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms"*, and to Article 12 (2): *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director