

Lawyers Collective International Solidarity Campaign,
C/o Garden Court Chambers,
57-60 Lincoln's Inn Fields,
London WC2A 3LJ

By Email and Post
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For the urgent attention of:
Mr. Shri Narendra Damodardas Modi,
Prime Minister of India,
Prime Minister's Office,
Room number 152, South Block,
New Delhi,
India.

26 June 2016

Dear Sir,

We, the undersigned, write to you, as concerned members of the international human rights community and representatives of civil society and academia in many countries friendly to India, to express our support for the Lawyers Collective (India).

As you are aware, on 1st June 2016, the Union Ministry for Home Affairs suspended for 180 days the Lawyers Collective's license to receive foreign funding. It argued that the Lawyers Collective had violated certain provisions of the Foreign Contribution Regulation Act (FCRA). The Lawyers Collective now faces the prospect of having their license cancelled permanently.

Both the suspension order and the Lawyers Collective response have been widely reported in the Indian media, you can view the notice and the response by click the following link:
<http://www.lawyerscollective.org/wp-content/uploads/2016/06/LC-Response-to-FCRA-suspension-02-06-2016.pdf>

The suspension of the Lawyers Collective's license has raised alarm in the international community and has the potential of undermining India's reputation on human rights globally and within the Indian diaspora. Senior Advocates Indira Jaising and Anand Grover, founding members of the Lawyers Collective, have an exceptional profile of public service and professional integrity as lawyers and human rights professionals. Ms. Jaising has made an unparalleled contribution to law and jurisprudence on gender discrimination, relating to domestic violence, women's right to property and sexual harassment at the workplace, among other things. She has also been appointed and served as a member of the UN Committee on the Elimination of Discrimination Against Women. Mr. Grover was appointed by the UN Human Rights Council and served as the UN Special Rapporteur on Right to Health during 2008 to 2014. In India, Mr. Grover is a pioneer in protecting the rights of people living with HIV and members of the LGBT community. And he has worked tirelessly to promote access to medicines and healthcare for all. Their work has justifiably received global recognition.

In view of the above, we write to request that you intervene personally to ensure that the suspension order is lifted immediately. In particular we draw your attention to these critical factors:

- Instead of corresponding directly with the Lawyers Collective, the Ministry of Home Affairs, with the clear intention, it would seem, to defame Ms. Jaising and Mr. Grover, leaked its initial notice and subsequent suspension order to the press, rather than observing due process of law.
- The timing of the Ministry's action raises grave concerns about its respect for the rule of law and indicates an intent to intimidate and oppress:

- The initial notice dated 22 November 2015 occurred on the same day that Mr. Grover appeared in court to challenge the discharge of your party's President, Mr. Amit Shah, on a murder charge;
 - The suspension notice, dated 30 May 2016, was leaked to the press the day after Ms. Jaising made a public statement that the petitioner would challenge the court order refusing to interfere with the discharge of Mr. Amit Shah.
- The Lawyers Collective not only disputes the allegations but, in the spirit of transparency and accountability, have provided a detailed response and specifically and repeatedly countered each of the allegations levelled by the Ministry regarding use of funds. However, the Ministry has displayed an unusual vindictiveness by ignoring the official responses sent by the Lawyers Collective.

In April 2016, Maina Kiai, the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, reiterated that the ability to access foreign funding is an integral part of the right to freedom of association, and said that the FCRA restrictions were not in conformity with international law principles and standards. In support of the Lawyers Collective work, Amnesty International India has stated, *"funding restrictions imposed on Lawyers Collective, a prominent human rights organisation, violate constitutionally guaranteed rights to freedom of expression and association"*.

It is in this context that we believe that the FCRA is being used as a political tool by your Government to suppress dissent and silence groups, such as the Lawyers Collective, who are simply using legitimate and lawful means to secure justice for marginalized communities in India and to hold the State to account. Our assertion is supported by Amnesty International India, which has stated: *"There is no doubt that the government is being vindictive. Lawyers Collective is being targeted because its office-bearers have taken on the government in a range of cases. The FCRA allegations are clearly a pretext to silence these dissenting voices."*

On 16 June 2016, Miani Kiai, and two other UN human rights experts, Michel Forst and David Kaye, (UN Special Rapporteurs on human rights defenders and on freedom of expression respectively) called on the Indian Government to repeal the FCRA. In a joint statement the three Special Rapporteurs, stated: *"We encourage the authorities to ensure a safe and enabling environment for human rights defenders and civil society, which play a critical role in holding the Government to account and buttressing the Indian democracy."*

Instead of recognizing the Lawyers Collective's invaluable contribution to the country and its people, it seems to us that the Government is making efforts to obstruct the organization's work, resulting in the denial of access to justice for those in India who most need it.

In light of the above, we demand that the suspension order be lifted immediately and that the Lawyers Collective be given the freedom and space to continue their uniquely important work in advancing the rights of the most vulnerable and marginalized sections of society, in conformity with the rights and duties enshrined in India's Constitution.

Please do not hesitate to contact us should you require further information.

We look forward to hearing from you as a matter of urgency.

Signatories:

