

## India: Ensure fair trial and due process of law to Akhil Gogoi

(Bangkok/Kathmandu, 10 October, 2017) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns arbitrary charges and ensuing judicial harassment of farmers' rights and right-to-information activist Akhil Gogoi who is the President of Krishak Mukti Sangram Samiti (KMSS) - a peasant rights organisation based in Assam.

On 12 September, 2017, Akhil addressed a rally in Moran, Dibrugarh district in Assam with a vocal critique of numerous policy measures undertaken by the state government of Assam. After the speech, the Moran police station filed a First Information Report (FIR) against him accusing that he has instigated the common people to wage war against the nation and also delivered speeches against communal harmony<sup>1</sup>.

On 13 September, 2017, Akhil was arrested by Dibrugarh police at KMSS office in Golaghat, Assam, charged with sedition (Section 124.A of the Indian Penal Code), criminal conspiracy (Section 120.B), waging or attempting to wage war against the Government of India (Section 121), abetment of an offence (Section 109), causing communal disharmony (section 153) and hate speech (Section 153.A)<sup>2</sup>. He was subsequently remanded into judicial custody from 18 September 2017 to 25 September 2017.

On 25 September 2017, Akhil was rearrested under the National Security Act before the Dibrugarh Court citing 12 pre-existing cases pending before various courts in the state<sup>3</sup>. Not only was his bail application rejected, he was also subject to mistreatment in course of his hearing. Media reports indicated that four police officers are suspended following surfacing of a video clip of mistreatment<sup>4</sup>. As of now, Akhil is kept in solitary confinement at Nagaon jail.

FORUM-ASIA urges that the Government of India as well as the State government of Assam to:

- Ensure Akhil has access to legal assistance and to meet with his family members in pursuance of his constitutional rights.
- Proceed the case against Akhil in due process.
- Treat any medical harm experienced as a result of Akhil's mistreatment.
- Conduct impartial and independent investigations into reports of abuse against Akhil.

1 <http://www.hindustantimes.com/india-news/rti-activist-akhil-gogoi-arrested-charged-with-sedition-in-assam/story-PUdZr5QqLB48f3TFOU1PJL.html>

2 *ibid*

3 <https://thewire.in/181523/assam-farmers-rights-activist-akhil-gogoi-arrested-under-national-security-act/>

4 <https://www.youtube.com/watch?v=OSZeoNzLp6k>

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**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.*

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