

India: Stop the false accusations and arrests of human rights defenders in the Delhi riots case

(Bangkok/Kathmandu, 24 , September 2020) – The Indian government must stop the arrests and drop all charges against nine academics, student leaders, human rights defenders and activists in the Delhi riots case and the targeted use of draconian provisions of the Unlawful Activities Prevention Act (UAPA), the Asian Forum for Human Rights and Development (FORUM-ASIA) said in a statement today.

The human rights defenders arrested include student activists Devangana Kalita, Natasha Narwal, Meeran Haider, Asif Iqbal Tanha and Gulfisha Fatima; activists Umar Khalid, Shifa-Ur-Rehman and Khalid Saifi while Safoora Zargar, has been released on bail. The police have alleged that the arrested defenders conspired, planned and incited the violence that took place in Jaffrabad, Seelampur and other north eastern parts of New Delhi in February 2020, which was also condemned by FORUM-ASIA¹.

On 23 February 2020, violence erupted in Jaffrabad, New Delhi after a provocative² speech by Kapil Mishra, a leader of the ruling Bharatiya Janatha Party, gave an ultimatum to Delhi Police that the anti-CAA protests in Jaffrabad should stop or they will take matters into their own hands. The violence continued for at least two days and 53 persons were killed, the majority were Muslims. Reports by independent fact-finding teams, civil society organisations³ and the Delhi Minorities Commission⁴ had pointed out the abdication of duty of the Delhi Police to end the violence and riots and also highlighted that the Delhi Police was selectively using fake evidence to target human rights defenders and suppressing evidence against right-wing leaders.

Since December 2019, there have been nation-wide protests in India, regarding concerns over the Citizenship Amendment Act 2019 (CAA), that discriminates⁵ against Muslims in acquiring Indian citizenship. The amendment made religion as a criteria for citizenship in India, where secularism is a basic constitutional trait. The protests were also against the government's plan to extend the National Registry of Citizens (NRC) to all of India; which will mean that every person living in India has to submit proof for their citizenship . This is an act of discrimination against Muslims and is arbitrary in nature as it demands proof of citizenship from citizens themselves.

¹ <https://www.forum-asia.org/?p=31014>

² <https://www.nytimes.com/2020/02/26/world/asia/delhi-riots-kapil-mishra.html>

³ <https://thepolisproject.com/manufacturing-evidence-how-the-police-framed-and-arrested-constitutional-right-defenders-in-india/#.X2hA0WgzY2w>

⁴ <https://www.tribuneindia.com/news/nation/delhi-riots-dmc-fact-finding-report-names-kapil-mishra-calls-out-delhi-police-114753>

⁵ <https://news.un.org/en/story/2019/12/1053511>

IMPROPER INVESTIGATIONS

Since April 2020, the Delhi Police have falsely accused and arrested human rights defenders and student leaders and activists who were involved in democratic and peaceful dissent against the arbitrary and discriminatory laws of conspiracy to plan riots

The police have also alleged to have coerced human rights defenders such as Safoora Zargar, Natasha Narwal and Devangana Kalita into making false confessional statements⁶ and thereby incriminating themselves. It is also alleged that the Delhi Police, which directly reports to the Ministry of Home Affairs, is acting under political pressure⁷ and using the Delhi riots case to target the critics and dissenters of the present political the Bharatiya Janatha Party.

The Delhi police has claimed that Narwal to have confessed about a conspiracy and involvement of political activist Yogendra Yadav, economist Dr. Jayati Ghosh, academic Professor Apoorvan and Umar Khalid in the Delhi riots case. However, both Devangana and Natasha have refused to sign the confessional statements.⁸

It is reported that the confessional statements provided by the Delhi Police are identical, and with similar spelling mistakes, raised doubts over the veracity of the statements. FORUM-ASIA believes that naming prominent activists in the alleged confessional statements is a precursor to harass and intimidate more human rights defenders in the Delhi riots case. We also express our concern over continuous arrests of defenders, incarceration in prisons and denying bail, at the time of COVID-19 pandemic, despite the directive⁹ of Indian Supreme Court regarding decongestion of prisons.

FORUM-ASIA condemns and reiterates its concerns over the continuous and targeted use of draconian provisions of the Unlawful Activities Prevention Act (UAPA) in the Delhi riots case and also in the Bhima Koregaon case in which 15 human rights defenders have been falsely accused of several charges and imprisoned. The Government of India should end the judicial harassment and reprisals against human rights defenders in India who were exercising their rights to freedom of expression and peaceful assembly.

⁶ <https://indianexpress.com/article/cities/delhi/delhi-riots-9-of-12-confession-statements-near-copies-of-one-another-6485967/>

⁷ <https://theprint.in/india/9-ex-ips-officers-ask-delhi-top-cop-for-re-investigation-of-all-riots-cases-without-bias/502699/>

⁸ <https://scroll.in/article/972967/delhi-riot-disclosures-naming-politicians-professors-not-admissible-evidence-in-court-experts-say>

⁹ <https://scroll.in/latest/956983/covid-19-will-provide-special-parole-to-convicts-to-reduce-crowding-in-jails-delhi-tells-hc>

FORUM-ASIA calls on:

The Indian authorities, especially the Delhi Police:

- To conduct an impartial investigation into the riots that took place in Delhi in February 2020, without selective and fabricated evidence
- To end the targeting of human rights defenders in the Delhi riots case and drop all fabricated charges against them

The National Human Rights Commission (NHRC) of India:

- To conduct an independent inquiry into the arrests and harassment of human rights defenders in the Delhi riots case by Delhi Police through the Investigation Division of NHRC
- Conduct a review of the Unlawful Activities Prevention Act, 1967 (UAPA), as per Section 12 (d) of the Protection of Human Rights Act, specifically looking into the provisions of UAPA that restricts personal liberties and the right to a fair trial.

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About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

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