

## **Human Rights Defenders Alert - India**

National Coordination Office

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Special Rapporteur on the situation of human rights defenders,

Mrs. Margaret Sekaggya

c/o Office of the High Commissioner for Human Rights – Palais Wilson

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Dear Ma'am,

**Sub: HRD Alert - India –New Delhi: RTI Activist couple attacked near Jama Masjid –  
Reg**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the attack at the house and at the office of the RTI couple Ms. Sheela Fehmi and her husband Mr. Arshad and the inaction of the police in taking the case forward.

### **Incident**

**Name of the perpetrators:** A mob of about 150 men attacked them.

**Place of the incident:** Jama Masjid area, Central Delhi.

**Date and time of the incident:** Saturday, 8<sup>th</sup> October 2011 at around 4.30 p.m

According to the information received, an RTI activist who is a PhD scholar in Jawaharlal Nehru University Ms. Sheeba Fehmi, and her husband Arshad, who is also an RTI activist, were attacked and their house and office in Jama Masjid area were damaged by a mob of 150-odd men who forcibly entered the premises on 08.10.2011 evening. Sheeba Fehmi claimed that the mob shouted slogans in support of Syed Ahmed Bukhari, the Shahi Imam of Jama Masjid. While a case of criminal

trespass has been registered, both the police and the Shahi Imam denied that the mob had any links with Bukhari. No arrests have been made so far.

The police said that the victim, Sheeba Fehmi, and her husband, Arshad Ali Fehmi, had been fighting against encroachments in the Jama Masjid area for many years. They had filed several RTI queries on encroachments and illegal business of selling auto parts.

Sheeba was at home with her husband and son at the time of the incident.

A senior police officer said the mob also damaged the furniture in her house. After a Personal call Router(PCR Call) was made, the police personnel arrived at the spot and dispersed the mob. When contacted, Sheeba said the incident was triggered by the numerous RTIs she has filed that have "hurt the vested interests" of the attackers.

While the RTI activists Sheeba Aslam Fehmi and her husband Arshad Fehmi have been provided 24-hour security, the absence of punitive action has raised serious questions about policing in that area. According to the FIR filed in this case, police reached the spot even as the angry mob was present inside the activist couples' home, breaking electronic equipment and damaging the furniture. The crowd had allegedly barged inside the activist's home on Saturday and threatened them for having spoken out against illegal encroachments in the area.

However, no accused has been named in the FIR. Despite several attempts, DCP (Central) Vivek Kishore did not respond to calls regarding the progress of this case. Curiously, there have been a shockingly low number of FIRs and only 50 till date were registered in the Jama Masjid police station this year. Activists in that area claim that despite large-scale economic criminal activities going on in the area, the police prefer to turn a blind eye. Police however claimed that cases are registered and investigated whenever any information is received about criminal activity in the area.

"The mere registration of cases is not reflective of the policing in areas like Jama Masjid which need a lot of preventive policing and day-to-day police arrangements due to the presence of a mosque in the area. Each police station functions according to the demographic of the area, the nature of activities, features of the area etc. Jama Masjid and some other police stations in the district have a small area allotted

to them where the focus is more on preventive policing," said joint commissioner of police (north) Sudhir Yadav. Meanwhile, local activists in the area claimed that Jama Masjid is host to a number of economic crimes like parking mafia, unauthorized foreign currency exchange, drug peddling, illegal renting of property, flesh trade and dismantling of stolen motor vehicles and their resale.

"We have filed a number of RTIs about these crimes. Illegal parking flourishes in the Jama Masjid area for which anything between Rs 50 to 200 is charged. Auto parts are cut in the area for which Transport Department is supposed to give a NOC. People are often swindled by unauthorized currency exchange agents. These businesses are operating in broad daylight. It is a matter of great concern that criminals are able to operate like this without fear," said Arshad. The activists were threatened for speaking out against illegal encroachments in the area.

### **Appeal**

We, therefore, urge you to immediately take necessary steps to:

1. Immediate intervention of the police administration, necessary legal action is taken and all the perpetrators are brought to book;
2. Carry out an immediate, thorough and impartial investigation into the incident with a view to bring those responsible to justice in accordance with international standards;
3. Take all necessary measures to guarantee the physical and psychological security and integrity to the victims' in order to carry out their legitimate human rights work peacefully;
4. Protection and security be provided to the RTI couple Ms. Sheela Fehmi and her husband Mr. Arshad and to their son;
5. Guarantee in all circumstances that all right to information activists in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

Looking forward to your immediate action in this regard,

Yours sincerely,

**Henri Tiphagne**

Hon'ble National Working Secretary  
Human Rights Defenders Alert - India