

Human Rights Defenders Alert - India

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Special Rapporteur on the situation of human rights defenders,

Ms. Margaret Sekaggya

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

United Nations Office at Geneva

CH 1211 Geneva 10, Switzerland

Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert-India - Urgent Appeal for Action – India/Uttar Pradesh: Civil rights activist-couple Seema Azad and Vishwavijay sentenced to life – 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 over the conviction of civil rights activist Ms. Seema Azad and her husband Mr. Vishwavijay by the lower court of Allahabad under provisions of UAPA (Unlawful Activities Prevention Act) for allegedly waging war against state, being Maoist and of involvement in "illegal" activities.

Name of the Alleged Perpetrators: The State

Place of incident: Allahabad, Uttar Pradesh

Date of incident: 8th of June 2012 (arrested on 6th of February, 2010)

About the Human Rights Defender:

Ms. Seema Azad is the editor of bimonthly 'Dastak' magazine, Organization Secretary of the Uttar Pradesh Chapter of PUCL (People's Union for Civil Liberties) and social activist involved with the civil rights

movement in the country. Her husband Mr. Vishwavijay has been a student union leader and activist of *Inquilabi Chhaatra Morcha*. Ms. Azad and Mr. Vishwavijay have consistently raised their voice against human rights violations in Eastern UP respectively through their journalistic writings and political activism. They have mostly worked in the plains of Allahabad and Kaushambi where politico-mafia-police nexus is illegally mining sand, hoarding black money and in the process exploiting and harassing workers. The couple raised their voice against politico-mafia-police nexus that made them the establishment's target. Their activities could not be termed as illegal in any sense, never did they involve in any activity that was outside the purview of constitutional right to freedom of expression accorded to citizens of this country.

Case Narrative:

Ms. Seema Azad and Mr. Vishwavijay were arrested by UPSTF (Uttar Pradesh Special Task Force) in Allahabad on February 6, 2010 when Ms. Azad returned from World Book Fair in Delhi and Mr. Vishwavijay had gone to receive her at railway station. STF claimed to have recovered Maoist literature from their possession and also claimed that both were related to Maoist party. STF then transferred this case to UP anti-terror squad.

The lower court of Allahabad has on the 8th of June 2012 convicted civil rights activist Ms. Seema Azad and her husband Mr. Vishwavijay under provisions of UAPA for allegedly waging war against state in yet another effort to crush voices of dissent. Besides life imprisonment, a penalty of Rs.70,000/- has also been imposed upon this couple. These former student union leaders and active social activists have also been alleged of being a member of CPI (Maoist) and of involvement in 'illegal activities'.

The bimonthly '*Dastak*' edited by Ms. Seema Azad investigated the Ganga Expressway Project in detail that was looming large upon the

farmer's livelihood and shelter. This magazine published detailed reports on the witch-hunting of Muslim youth coming from Azamgarh. We believe that the arrest and recent judgment is basically prejudiced and an attempt to create a precedence that whoever will raise voice against wrongdoings of establishment and stand with the oppressed will be dealt with in the same fashion. It is noticeable that the court has no evidence whatsoever to prove the conviction charges.

Human Rights Defenders Alert - India strongly condemns this judgment and the colonial laws under which social activists are being arrested and charged with sedition or waging war against state and are not even given the legitimate right of hearing.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that the authorities concerned

- Unconditionally release the aforementioned human rights defenders, overturning their conviction, especially since there isn't evidence to prove the conviction charges and also because it is believed that these measures have been taken against them solely as a result of their human rights activities;
- Ensure that the treatment of the aforementioned human rights defenders, whilst in detention, adheres to all those conditions in the "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment", adopted by UN General Assembly Resolution 43/173 of 9 December 1988;

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary,
Human Rights Defenders Alert - India

Addresses:

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**2. Hon. Justice Shri K.G. Balakrishnan
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