



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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21 September, 2017

To

Mr. Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Sub: HRD Alert - India – Urgent Appeal for Action – Assam: Arrest of peasant leader and RTI activist Mr. Akhil Gogoi on charges of sedition by Assam police – Regarding

Dear Sir,

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 writing to express our grave concern over the arrest of peasant leader and RTI activist, Akhil Gooi president of Krishak Mukti Sangram Samiti (KMSS) from the office of KMSS in Golaghat on September 13, 2017 by Dibrugarh Police on false charges of sedition.

About the HRD:

Akhil Gogoi is the president of KMSS in Assam. He has been criticising BJP led government's decision on several policies which includes amendment to the Citizenship Act, renaming of 22 government colleges after Rashtriya Swayamsevak Sangh (RSS) ideologue Deendayal Upadhaya, eviction drive in the periphery of Kaziranga National Park and other forest areas in Assam. He was earlier arrested by Assam police on October 2, 2016 and released from Golaghat jail only towards the end of December 2016.

Source of Information on the Incident:

- The Coordinator of HRDA for the North East of India
- Media Reports

The Perpetrators:

Dibrugarh Police and Government of Assam

Date of Incident:

September 13, 2017

Place of Incident:

KMSS office in Golaghat, Assam

Incident Details:

On October 12, 2016 Akhil Gogoi was addressing a public meeting in Moran. In his speech, he was critical to various policy decisions of present BJP government in Assam. He criticised BJP Government's amendment to the Citizenship Act to grant nationality to Hindu Bangladeshis, non-implementation of the 1985 Assam Accord, absence of constitutional safeguards to protect the rights of indigenous people of Assam.

After this speech, a First Information Report (FIR) was lodged at the Moran Police PS by the police against Akhil Gogoi for fuelling anti-national activities with case number 180/17. Based on the complaint the Dibrugarh Police arrested Akhil Gogoi from the Golaghat office of KMSS in the evening of September 13, 2017, when he was back from a public rally in Jorhat. Akhil's arrest was aired in the local media where video showed that he was dragged by the police to the police vehicle and Akhil was not even allowed wear a shirt. He was brought to the police station with a lungi and a vest. The charges against Akhil Gogoi's are under Sections 124 (A)- (Sedition), 120-B (Criminal Conspiracy), 121 (Waging or attempting to wage war against the GOI), 109 (Abetment of an offence), 153 (Causing Communal Disharmony) and 153-A (Hate Speech) of the Indian Penal Code.

Akhil's arrest triggered protest across the state of Assam with the blockade of National Highway 39 in the Golaghat district, protesters stopped the intercity train in Sibsagar district; an effigy of Assam's Chief Minister Sarbananda Sonowal was burnt. The protesters demanded unconditional release of Akhil Gogoi.

Appeal:

We **therefore** urge you to immediately

- Order an immediate, thorough, transparent, effective and impartial investigation through NHRC's investigation wing into the above-mentioned arrest of Mr. Akhil Gogoi and charging him with sedition, criminal conspiracy, waging war against the State and hate speech;

- Following the independent investigation, exercise powers under section 12(b) of Protection of Human Rights Act and intervene in the said case through a competent senior lawyer ensuring that the HRD Akhil Gogoi is allowed to continue his peaceful human rights work;
- Put an end to all acts of attack and harassment against all human rights defenders in Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution.

Looking forward to your immediate action in this regard,

Yours Sincerely,
Sd/-
Henri Tiphagne
National Working Secretary

Copies to:

Special Rapporteur on the situation of human rights defenders,
Mr. Michel Forst
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WORLDWIDE MOVEMENT FOR HUMAN RIGHTS (FIDH)