



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 1, 2018

To

Shri 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

Dear Sir,

Sub: HRD Alert - India – Urgent Appeal for Action – Uttar Pradesh: Forcible kidnapping and the arbitrary and illegal detention of student leader Pooja Shukla by the police in Lucknow and continuing harassment and intimidation – Regarding

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 about the forcible kidnapping and the arbitrary and illegal detention of student leader and human rights defender Pooja Shukla by the police on July 28, 2018, in Lucknow Uttar Pradesh and the continuing harassment and intimidation being meted out to her and her family members.

Source of Information on the Incident:

The Regional Coordinator of HRDA
Reports from Media
HRDs in the region
Information received from the HRD

Status of the Human Rights Defender:

Pooja Shukla is a student activist and leader, having raised several issues for social justice in campus as a student of Lucknow University. She was criminalised and jailed for 26 days last year for waving black flags at Uttar Pradesh Chief Minister Yogi Adityanath, to protest 60% fee hike at Lucknow University. Due to her involvement in the protest, she is being

denied admission to the masters course at Lucknow University and results of her entrance test were withheld, prompting her to sit on hunger strike.¹ She is a member of Samajwadi Party Chhatra Sabha and part of Student Alliance for Democratic Rights (SADR), an outfit formed by students in Uttar Pradesh to voice their dissent against the fascist nature of the central and state governments².

The Perpetrators:

Concerned 8-9 policemen and women constables of Uttar Pradesh Police
Senior Inspectors and Inspector-in-charge, Sarojini Nagar and Vibhuti Khand Police
Station

Date of Incident:

July 28, 2018 and July 29, 2018

Incident detail:

As per news reports, on July 28, 2018, student leader Pooja Shukla was dragged into a van and kidnapped by 8-9 police men and one woman constable, when she came out of her friend's flat in Ismailganj to go to Sheroes café in Gomtinagar, Lucknow. Her phone and bag were also snatched, and she was slapped for resisting to hand over her phone and showered with profanities. This incident preceded the arrival of Prime Minister Narendra Modi in the city.

Pooja Shukla was taken to an undisclosed location, where more women constables joined them, and was illegally detained all day and finally released only after 9 p.m. pursuant to news coming in that the Prime Minister had left.

As per her own testimony on social media, she has alleged that she was manhandled by the police, intimidated and threatened that she will be killed in an encounter. Her pleas to allow her to talk to her family and friends were consistently refused during the entire period of her detention. She also claims that her phone calls were answered by the police, who misled her family members, friends and acquaintances of her whereabouts.

It is only when she insisted on going to the washroom that she was taken to Fun Mall, where she borrowed the phone of another woman in the washroom and managed to make a call to a friend and request that her parents be notified that she has been illegally detained and kidnapped by the police. However she was caught by the police constable who snatched the phone and abused her and took her back to the jeep, where she was taken once again to an undisclosed location and made to stand there. All the while she was under detention, she

¹ <http://www.edexlive.com/happening/2018/jul/16/i-will-fight-till-i-get--my-masters-seat-lucknow-uni-student-who-waved-black-flags-at-yogi-adityana-3433.html>

² https://www.huffingtonpost.in/2018/07/24/why-student-leaders-from-lucknows-universities-have-formed-an-alliance-against-yogi-adityanath-govt_a_23487859/?utm_hp_ref=in-homepage

was threatened with physical harm and injury and threatened that she would be put behind bars for a long time and pressurised to leave politics. Her health was affected due to the torture meted on her.

It has been reported that upon being contacted by the media, ASP (trans-Gomti) Harendra Kumar said that police force was deployed to keep surveillance on some leaders, but denied that anyone was detained. However, Inspector Mahila Thana, Sharda Chaudhary, said that some women constables were sent to apprehend a girl student leader but she was not aware of the name and profile.³

Pooja Shukla has also informed that search operations and raids were carried out by police from Sarojini Nagar and Vibhuti Khand police station at both her parent's and sister's home on July 28, 2018 and July 29, 2018 to perpetuate fear and intimidate her family members.

It is not far to seek that the aforesaid acts of the police were meant to terrorize and intimidate human rights defender, Pooja Shukla and to quell any voices of opposition and dissent against the ruling dispensation. These acts are clearly unconstitutional, patently illegal, constitute grave human rights violations and are against the democratic fabric and ethos of the country, and need to be thoroughly investigated and dealt with strictly.

Appeal:

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

Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of forcible kidnapping and arbitrary and illegal detention and intimidation of Pooja Shukla and her family members;

Take immediate action on the perpetrators, being the concerned police officers of the Uttar Pradesh Police involved in kidnapping, threatening and detaining Pooja Shukla and harassing her family members and the concerned persons issuing orders to them ;

Ensure provision of reparation, compensation, apology to the family of the defender, guarantee in all circumstances the physical and psychological integrity of Pooja Shukla and her family members from further reprisals from the perpetrators and using all provisions of law to ensure that they are not harassed or intimidated in future;

Put an end to all acts of attack and harassment and attempt on the life of all human rights defenders and student activists like Pooja Shuklas in the State of Uttar Pradesh

³ https://timesofindia.indiatimes.com/city/lucknow/was-detained-before-pm-narendra-modis-visit-says-sp-student-leader/articleshow/65192511.cms?utm_source=whatsapp&utm_medium=social&utm_campaign=TOIMobile

and to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;

Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the NHRC Focal Point on HRDs and the SHRC Uttar Pradesh to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary