



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 14, 2019

To

**Mr. Khaleel Ahmad**

National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
ManavAdhikarBhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action- Uttar Pradesh: Social Activist and HRD Mr. Kurban Ali and three others implicated in a fabricated case in Kandhla police station, Shamli district in Uttar Pradesh– Regarding***

## **Greetings from Human Rights Defenders Alert - India!**

Human Rights Defenders Alert - India is a forum of human rights defenders (HRDs). It endeavours to initiate actions on behalf of HRDs under threat or with security concerns. We are writing to express our deep concern in the matter of social activists and HRD Mr Kurban Ali and three others. They are being implicated in a false criminal case for extending legal help to a family belonging to a minority community who has been the victim of a mob lynching incident. The FIR was lodged in the Kandhla police station of district Shamli in Uttar Pradesh based on a complaint by Mr. Afzal Ali of Molanan locality, Kandhla town, Shamli. Afzal has been accused of threatening the Kurban Ali with dire consequences for extending legal support to the victim family.

## **Status of the Human Rights Defender**

Mr Kurban Ali is associated with the Afkar India Foundation, which is a grass-roots human rights organisation based in Shamli, Uttar Pradesh. He has also been associated with 'Aman Biradari' for the last two years. Aman Biradri is a nationwide people's campaign for a secular, peaceful, just and humane world. Kurban Ali has been working on issues of education and women's right. He has also been using the Right to Information (RTI) to highlight issues of public concern and functioning of governance structures. In the past, he has faced several threats from the officials of state electricity and education departments for

filing RTIs to expose corrupt practices. The others who have been named in the police FIR are Mr Naushad, Mr Faran, admin of the Haji Babla Fan Club and two unknown.

**Source of Information on the Incident:**

The Coordinator of HRDA for the North of India

Communications with local human rights defenders in Shamli, Uttar Pradesh

**The Perpetrators:**

Mr Afzal Ali s/o Akhlaq Ali of Molanan locality of Kandhla town, Shamli District, Uttar Pradesh and his associates

**Date and Place of Incident:**

November 2, 2019

Kandhla Police Station, Shamli, Uttar Pradesh

**Background:**

In a gruesome incident of mob-lynching on July 21, 2019, in Kandhala, a local minority community family involved in the rag-picking business was physically assaulted and severely beaten by hooligans, allegedly associated with the Right-wing organisations. In the said incident, Mr. Ashif, Mr. Bilal, Ms. Sitara and Ms. Shahina were the ones who were injured. Kurban Ali along with his colleagues from the organisation 'Afkar India Foundation', extended legal support to the victims. An FIR was registered as 271/2019 under section 147, 148, 323, 504, 506 of the Indian Penal Code [IPC] naming Mr. Sanjay, Mr. Deepak, Mr. Sashi and three to four unknown people as accused for the lynching incident at Kandhla Police Station.

On July 24, 2019, Mr. Ashif and others visited the office of Afkar India Foundation and meet Kurban Ali and his colleagues. They informed Kurban Ali and his colleagues that as the police has already registered an FIR in the said incident, Afzal Ali in collusion with the influential Right-wing organisations, was pressurising them to enter into a compromise. They also informed that Afzal Ali has filed a false counter case in collusion with the police to build up pressure for a compromise in the case of mob-lynching.

On August 8, 2019, Kurban Ali received several threatening calls from mobile numbers 9927272713, 9457407775, 8755500222, 8650576262 and 7989286140 on his personal mobile number 9897763551. One, Afzal Ali s/o Akhlaq Ali of Molanan locality of Kandhla, in collusion with the Right-wing groups, threatened Kurban Ali to implicate him in a false case if

he continues to pursue the said matter. In the light of the aforementioned incidents of threats, it is believed that the fabricated and baseless case against Kurban Ali and others is part of a well-planned conspiracy hatched by the accused Afzal Ali, backed by an influential Right-wing group of the locality. The registering of case against Kurban Ali is intended to harass, intimidate and criminalise him and his colleagues and prevent them from continuing their legitimate work of defending human rights of marginalised communities.

**Details of the Incident:**

According to information received, on November 2, 2019, a criminal case (FIR 564/2019) was filed against Kurban Ali and five others in the Kandhla Police Station of Shamli under Sections 147, 148, 149, 452, 307, 504, 506 of the IPC and Section 67 of the Information Technology Act [IT Act], on a complaint by Afzal Ali. It is to be noted that Afzal Ali is the same person who harassed the Mr. Ashif and others as well the HRDs who were extending legal assistance. This clearly shows that it is an act to suppress the voices of the victims of mob lynching and the HRD from resorting to available legal options to claim relief.

The recurring incidents of intimidation and attacks on the HRDs pose a direct threat to their safety and security. It also impinges their fundamental right to freedom of life and liberty, guaranteed under Article 21 of the Constitution of India. In order to enable HRDs to pursue their crucial work in the field, it is of utmost importance that congenial atmosphere needs to be created for the smooth working of the HRDs.

**Appeal:**

We, therefore urge upon the Hon'ble Commission to immediately take necessary steps as under:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of registering fabricated criminal case against the social activist and HRD Mr. Kurban Ali and three others in Kandhla Police Station in Shamli, Uttar Pradesh;
- Take necessary steps to ensure that the cases filed against the social activist and HRD Mr. Kurban Ali and three others are withdrawn and they are not harassed or intimidated or falsely implicated in future and give this assurance to the Hon'ble Commission in writing immediately and urgently;

- Take immediate legal action on the perpetrators for filing criminal cases against the social activist and HRD Mr. Kurban Ali and three other citizens and give this assurance to the Hon'ble Commission in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity and security of the social activist and HRD Mr. Kurban Ali and three others;
- Put an end to all acts of harassment against all human rights defenders in general in the state of Uttar Pradesh to ensure that in all circumstances they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including police and judicial harassment;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;
- 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)**  
National Working Secretary