



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 10, 2020

To

Mr. Debindra Kundra

National Focal Point - Human Rights Defenders & Assistant 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: illegal arrest and detention of social activist and human rights defender Mr. Pawan Rao Ambedkar by police in Lucknow in Uttar Pradesh – 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 endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding social activist and human rights defender Mr. Pawan Rao Ambedkar who was illegally arrested and detained by Uttar Pradesh police in Lucknow in Uttar Pradesh in the wake of peaceful protest against Citizenship Amendment Act and National Registry for Citizens on December 19, 2019. The HRD was put in jail under fabricated charges in violation of his right to life and liberty guaranteed under the Constitution of India.

Status of the Human Rights Defender

Mr. Pawan Rao Ambedkar Pawan is a known Ambedkarite activist in Uttar Pradesh. He is a lecturer based in Rai Bareilly in Uttar Pradesh. He has been actively working against rising social and economic equality and caste discrimination in society.

Source of Information on the Incident:

The Coordinator of HRDA for the North of India

Communications with HRDs in Uttar Pradesh

Media Reports

The Perpetrators:

Police personnel of Hazratganj police station in the state capital Lucknow

Date and Place of Incident:

19 December, 2019

Hazratganj police station, Lucknow, Uttar Pradesh

Details of the Incident:

According to the sources on December 19, 2019 Mr. Pawan Rao Ambedkar was arrested by Uttar Pradesh during the protests against Citizenship Amendment Act at Parivartan Chowk in Lucknow. The said protests were termed illegal due to imposition of Section 144 of Code of Criminal Procedure in the city. A case against Mr. Pawan Rao Ambedkar Pawan was filed in Hazratganj police station in Lucknow with Case no 600/2019 under sections 147, 148, 149, 152, 307, 323, 504, 506, 332, 353, 188, 435, 436, 120 B, 427 of Indian Penal Code (IPC), sections 3 and 4 of Prevention of Damage to Public Property Act. Section 7 of Criminal Law (Amendment) Act (CLA). He has been charged for rioting, unlawful assembly, attempt to murder, wrongful constraints, criminal intimidation, criminal assault on public servant etc.

Mr. Pawan Rao Ambedkar had claimed that he had been falsely implicated in the matter and that he had nothing to do with the alleged protests, the State had argued that he was involved in harming property and assaulting police personnel, for which he was arrested from the spot. Mr. Pawan Rao Ambedkar's bail application was rejected on December 23, 2019 by the Additional Chief Judicial Magistrate, Lucknow. He was granted bail on January 4, 2020 by Additional District and Sessions Court no 1, Lucknow. The court called into question Lucknow police's contention that the people brought before it were directly involved in inciting violence. He has to wait for two-day as the formalities for his release could not be completed after the bail orders. He had to spend close to 15 days in jail.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned case of illegal arrest and detention of Social activist

and human rights defender Mr. Pawan Rao Ambedkar by police in Lucknow in Uttar Pradesh;

- Take immediate and appropriate action against those who are responsible for filing criminal cases, illegal arrest and detention of Social activist and human rights defender Mr. Pawan Rao Ambedkar and give this assurance to the NHRC of India in writing immediately and urgently;
- Take necessary steps to ensure that the cases filed against Social activist and human rights defender Mr. Pawan Rao Ambedkar are withdrawn and defender is not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Take all necessary measures to re-establish and guarantee the physical and psychological integrity and security of Social activist and human rights defender Mr. Pawan Rao Ambedkar in coordination with him;
- Put an end to all acts of attack and harassment of all human rights defenders like HRD Mr. Pawan Rao Ambedkar in Uttar Pradesh in particular and in the country in general to ensure that in all circumstances they carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;
- Takes steps to ensure that the Government of India stops hounding and targeting human rights defenders with coercion and intimidation in Uttar Pradesh and elsewhere and immediately stop the use of repressive legislations to clampdown on human rights defenders;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary