



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 13, 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: Harassment and intimidation of human rights defender Dr. Kafeel Khan by foisting false case on him by police in Aligarh, 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 over the police case against human rights defender Dr. Kafeel Khan with the intention of intimidating and criminalising the human rights defender by the Uttar Pradesh police in Aligarh. Dr. Kafeel Khan is being targeted for raising his voice against the Citizenship Amendment Act (CAA) 2019 during the 'Open Talk' organised on Aligarh Muslim University (AMU) campus on December 12, 2019.

Status of the Human Rights Defender

Dr Kafeel Khan has worked as an Assistant Professor in SIIMS, Gangtok (Sikkim). He got permanent commission on 8 August 2016 as a lecturer in BRD medical college. Dr Kafeel Khan came was known to be the whistleblower in the case of medical negligence which lead to the death of 60 children in the BRD hospital in Gorakhpur, Uttar Pradesh in 2017. Dr. Kafeel spent about nine months in jail before he was granted bail on April 25, 2018 by the Allahabad high court, which observed that there were no proof of medical negligence against the doctor.

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:

Uttar Pradesh Police, Aligarh

Date and Place of Incident:

13 December, 2019

Civil Lines police station, Aligarh, Uttar Pradesh

Details of the Incident:

According to the information received, on December 13, 2019 Uttar Pradesh police in Aligarh city booked Dr. Kafeel Khan for allegedly giving a provocative speech at the open talk organised in Aligarh Muslim University (AMU) campus on the Citizenship (Amendment) Act, 2019. According to the police, the FIR was registered against him under section 153-A (Promoting enmity between different groups on ground of religion) of Indian Penal Code (IPC) at the Civil Lines Police Station, Aligarh. Section 153-A of IPC punishes a person for promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. The FIR states that Dr. Kafeel Khan made an attempt to vitiate the peaceful atmosphere and disturb the communal harmony, with his speech. According to the FIR, Dr. Kafeel Khan reportedly stated that the BJP leadership was teaching everyone to adhere to their religion first, rather than becoming good human beings. Alleging that the Citizenship Amendment Bill rendered Muslims as second-class citizens, he purportedly claimed that they would be harassed after the implementation of the National Register of Citizens. Khan, as per the FIR, said that the people had to fight as it was a matter of their existence.

Appeal

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

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned police case filed against woman human rights defender Dr. Kafeel Khan;
- Take necessary steps to ensure that the cases filed against the above mentioned HRD Dr. Kafeel Khan 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;

- Guarantees in all circumstances the physical integrity of Dr. Kafeel Khan who still face the risk of further reprisals and using all provisions of law to ensure that the defender is not harassed or intimidated in future;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he had to undergo because of the fabricated case against her and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of harassment and intimidation against all human rights defenders in general in Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- 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, ensures 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.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary