



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 – House arrest of social activist Dr. Sandeep Pandey in Lucknow on December 19, 2019 by the Uttar Pradesh police – Regarding

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 attempt to harass and intimidate social activist and Magsaysay Award winner Dr. Sandeep Pandey by putting him under house arrest in Lucknow on December 19, 2019 by the Uttar Pradesh police. The activist and human rights defender Dr. Sandeep Pandey was to participate in the peaceful protest against the Citizenship Amendment Act (CAA) and National Register for Citizenship (NRC) on December 19, 2019 in Parivartan Chowk in Lucknow. Dr. Sandeep Pandey was denied the right to freedom of peaceful assembly and association free of restrictions guaranteed under Indian constitution to register peaceful protest.

Status of the Human Rights Defender

Dr. Sandeep Pandey is a well know social activist, a Gandhian and an educationist. He is a recipient of the prestigious Ramon Magsaysay award – considered the 'Asian Nobel' – in the 'emergent leadership' category in 2002. Dr. Sandeep Pandey co-founded Asha for Education, one of the most respected NGOs of Asia to provide education to underprivileged children. Dr. Sandeep Pandey also works on right to

information and other forms of citizen participation in removing corruption and improving the efficiency of governance. He also co-founded the well-known grassroots organization National Alliance of People's Movements (NAPM).

Source of Information on the Incident:

The Coordinator of HRDA for the North of India

The Coordinator of HRDA for Uttar Pradesh

Media Reports

The Perpetrators:

Uttar Pradesh Police, Lucknow

Date and Place of Incident:

December 19, 2019

Indra Nagar, Lucknow, Uttar Pradesh

Details of the Incident:

According to sources in the morning on December 20, 2019 police vans from Uttar Pradesh police arrived at the house of social activist and Ramon Magsaysay Award winner Dr. Sandeep Pandey located in the Indira Nagar colony of Lucknow, the capital of the state of Uttar Pradesh. The police personnel were deployed outside his house. According to sources the police men remained outside his house from morning 8 am to evening 7 pm and left his residence after that. Social activist and human rights defender Dr. Sandeep Pandey was put under house arrest and police team was to prevent Dr. Sandeep Pandey from stepping out to take part in the peaceful protest on December 19, 2019 in Parivartan Chowk in Lucknow. December 19th is celebrated as the day of the martyrdom of Ram Prasad Bismil and Ashfaqullah Khan, two fighters in the famous Kakori Conspiracy Case during the Indian freedom struggle. In light of this organisations across the country had declared that they would celebrate this day as a day of Hindu-Muslim unity, celebrating shared heritage, hailing their joint martyrdom across communities and underlining common citizenship in this country. Appeals were made to come together, gather in different cities across Uttar Pradesh and celebrate this day. In Lucknow, too, an appeal was made to gather at the Gandhi Statue in Hazratganj and Parivartan Chowk to commemorate this day of joint martyrdom and speak out against the Citizenship Amendment Act (CAA) and National Register for Citizenship (NRC) across the country.

A day ahead of anti-Citizenship Amendment Act protests, Uttar Pradesh police issued notices to over 3, 000 people across the state under section 149 of the Criminal Procedure Code (CrPC) on December 18, 2019, cautioning them to neither participate nor incite others to participate in the protests. The police cited 'deterioration of law and order issues' as a reason. Over 150 notices were issued in Lucknow city in view of December 19 protest call. The Uttar Pradesh state administration, completely undermining the constitutionally guaranteed rights under Article 19, invoked Sec 144 CrPC in a blanket sweep to impose 'curfew' across the entire state.

On December 19, 2019, apart from and Magsaysay Award winner Sandeep Pandey several other HRDs, including senior lawyer Mohammad Shoaib and former IPS officer S.R. Darapuri, were also put under preventive detention through notices u/s 149 CrPC. Social activist and HRD Dr. Sandeep Pandey decided to hold a peaceful sit-in against CAA-NRC, in front of his home gate at Indra Nagar, with a few other concerned citizens including women. In a statement addressed to media HRD Sandeep Pandey said "Our house arrest is a violation of Article 19 (B) of the Constitution which guarantees freedom to assemble peacefully. We had informed the police before our gathering and assured them of a peaceful protest. They are not even allowing me to step out of my house, which is a clear cut violation of the Constitution. By imposing Section 144, the government is trying to curtail the freedom of speech and expression, a fundamental right." The action of the Lucknow police administration to forcibly prevent Dr. Sandeep Pandey from stepping out of his house to take part in a peaceful and non-violent protest is a blatant denial of his right to a peaceful assembly and association and a violation of constitutional provisions of India.

Appeal:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of harassment and intimidation of human rights defender Dr. Sandeep Pandey and denying him to enjoy right to freedom of assembly and association by forcibly keeping him under house arrest by the Uttar Pradesh police;
- Take immediate action on the perpetrators in this case the police personnel from Uttar Police, Lucknow to prevent human rights defender Dr. Sandeep Pandey from participating in the peaceful protest and putting him under house arrest and using all provisions of law to ensure that the defender is not

harassed, intimidated or prevented in any way while doing his legitimate human rights work by the district administration and police in future;

- Guarantees in all circumstances the physical and psychological integrity of human rights defender as he continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of apology to the defender for the psychological sufferings he is undergoing because of his house arrest and provide a re-assurance of not engaging in such acts against the 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;
- 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 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