



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/UP/16/01/2020

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: Case of Police Torture against Lawyer Mr. Mohammad Faisal by police in Shamli, 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 deep concern over the arbitrary arrest, detention and torture of Lawyer and Human Rights Defender Mr. Mohammad Faisal by Uttar Pradesh police in police custody in Kairana police station, district Shamli, Uttar Pradesh. Lawyer and HRD was abused, ill-treated, mentally and physically tortured for 3 hours. The Police used more extreme methods against the HRD. He was given electric shocks on his back around his waist. The HRD spent close to 15 days in the lock up and was subjected to custodial torture and Other Inhuman or Degrading Treatment.

Status of the Human Rights Defender

Mr. Mohammad Faisal is a lawyer and Human Rights Defender. He has been practicing as a lawyer in Sessions Court in Kota, Rajasthan for the last 3 years. He is associated with the National Confederation of Human Rights organisations (NCHRO) which is a common platform of various organisations and individuals committed to the

cause of human rights in India. He has been providing legal aid to the victims of caste and religious discrimination.

The Perpetrators:

Police personnel of Kairana police station, district Shamli, Uttar Pradesh

Date of Incident:

December 23, 2019

Police Station Kairana, district Shamli, Uttar Pradesh

Details of the Incident:

According to the information received, Mr. Mohammad Faisal had gone to Shamli in Uttar Pradesh as part of National Confederation of Human Rights organisations (NCHRO) to offer legal aid to protestors who had been arrested during an anti-Citizenship Amendment Act protest in Uttar Pradesh. On December 23, 2019 he was at the Chief Judicial Magistrate (CJM) court at Kairana in Shamli along with his three clients attending a bail related matter. Around 5.15 pm a car carrying SOG police team along with some local police men came to the court and took him forcibly to the (Kotwali thana) Kairana police station. He was told by the policemen that they are taking him for some investigation and will leave him after the work is over. He told them that he is a lawyer and helping his clients. But the police men did not listen to him. The defender was forced to sit at the police station for 3 hours. They took his mobile phone, purse with Rs. 3700 and his Bar Council ID card. According to the account given by the defender he was abused, ill-treated, mentally and physically tortured for 3 hours. The methods of torture included verbal abuse, slapping and beating with sticks. The Police used more extreme methods. He was given electric shocks on his back around his waist. He has been suffering with pain his legs. After three hours around 10.30 pm was put in the lock up in the police station. The police accused him for inciting violence during the anti NCA protest which happened on December 20, 2019. The police filed an FIR on 22 December, 2019 about the incident.

Mr. Mohammad Faisal was booked with case no: 797/19 under Sections 145 (Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 153A (Promoting enmity between groups on grounds of religion, race, place of birth, residence, language, etc and doing acts prejudicial to maintenance of harmony), and 505 (statements conducing to public mischief) of the Indian Penal Code. The defender was produced before the Chief Judicial Magistrate, Kairana on 24 December, 2019 and was remanded to judicial custody. The date of hearing for his case was scheduled for 1 January, 2020. On 2 January, 2020 he was granted bail by the Chief Judicial Magistrate, Kairana and he could be released only on 7 January, 2010 at around 8 am in the morning. The defender spent close to 15 days in police station lock up and claims that the UP police in Shamli had registered false cases against him.

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 incident of illegal detention, degrading inhuman treatment and torture of Lawyer and Human Rights Defender Mr. Mohammad Faisal by the police personnel of Police Station Kairana, district Shamli, Uttar Pradesh;
- Take necessary steps to ensure that the cases filed against Lawyer and Human Rights Defender Mr. Mohammad Faisal 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;
- Recommend strict and immediate legal action on the perpetrators in this case police personnel of Police Station Kairana, district Shamli, Uttar Pradesh for filing criminal cases, illegal detention, mental and physical torture of Lawyer and Human Rights Defender Mr. Mohammad Faisal and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity and security of Lawyer and Human Rights Defender Mr. Mohammad Faisal who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- 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