



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/UP/08/05/2023

May 29, 2023

To,  
Mr. Indrajeet Kumar,  
Focal Point - Human Rights Defenders & Deputy Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
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: Abduction, threats and illegal detention of HRD Mr. Manish Sharma by the ATS in Varanasi, Uttar Pradesh**

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 the abduction and illegal detention of Mr. Manish Sharma, who is a well-known HRD based in Varanasi, Uttar Pradesh by the Anti-Terrorism Squad of the UP police, without following any due procedure of law and in violation of multiple DK Basu Guidelines. We are also deeply concerned at the police threat to frame HRD Mr. Manish Sharma in future terrorist cases if he didn't stop from taking part in people's movements using peaceful democratic means.

#### **Source of Information:**

- Communication with the HRDA North Regional Coordinator
- Communication with HRD
- Media Reports

**Date of Incident:**

May 07, 2023

**Place of Incident:**

Varanasi

**The Perpetrators:**

Police Personnel of Anti-Terrorist Squad (ATS) Uttar Pradesh

**About the Human Rights Defender:**

Mr. Manish Sharma (45) is a well-known human rights activist of Uttar Pradesh working for civil rights and human rights in Varanasi for the last 20 years. He has been peacefully active in various pro-poor mass movements such as the successful Banaras weavers' movement, the green belt movement etc.

**Details of the Incident:**

On May 15, 2023, at around 03:00 pm, Mr. Manish Sharma was going home on his bike when suddenly 8-10 people in civil dress surrounded his bike near the Court, snatched his mobile and forced him in their car. They forced him to go with them in the car to the ATS office, Pandaya Nagar, where he found out that they were policemen from the Anti-Terrorism Squad of the UP Police. They had neither any summons or warrant for Mr. Sharma's interrogation, nor did they inform his family despite his repeated requests to inform them.

Mr. Sharma was mentally harassed for 6 hours and repeatedly questioned about his participation in various people's democratic movements and was told to back off from any rights-based movements. He was also threatened that if he continued to be involved in mass movements then he would be framed in fake cases of terrorism and sent to jail for years.

Some local activists gathered at ATS office, Pandaya Nagar, Banaras, and started demanding his release raising slogans and the news went viral on the social media. At around 10:30pm Mr. Manish Sharma was released from ATS office, and was asked to return for questioning again the next day.

On May 16, 2023, around 11 am, Mr. Manish Sharma went to the ATS office, Pandaya Nagar on his own volition. ATS again threatened him to keep distance from the

ongoing weaver's movement and land movement. Mr. Manish Sharma alleged in a press conference that his abduction and harassment were reprisal for taking part in successful democratic movements.

We believe that forcible picking up of HRD Mr. Manish Sharma by plainclothesmen without any prior notice, or information to his family is an abuse of power by the UP ATS and amounts to abduction, violating multiple provisions of the DK Basu Guidelines of Arrest and Detention by the Hon'ble Supreme Court of India. The threat to involve a HRD in fake terrorism cases is a serious violation of the law.

The following DK Basu Guidelines of Arrest and detention were violated in case of HRD Mr. Manish Sharma. Guideline 1: *(The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible, and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.)*. Guideline 3, *(A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed)*. Guideline 5, *(The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.)*. Guideline 6: *An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is. And Guideline 10 *(The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.)**.

### **Appeal:**

We appeal to the Hon'ble Commission to urgently take action and:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into the kidnapping of the HRD Manish Sharma and the violation of the DK Basu guidelines of arrest and detention and submit a report to the NHRC in four weeks.

- Based on the result of the inquiry, direct the Director General of Police of Uttar Pradesh to take urgent action against policemen who illegally picked up Mr. Manish Sharma in violation of the DK Basu guidelines and submit the report to the NHRC within 4 weeks.
- Direct the Director General of Police of Uttar Pradesh to ensure the complete safety of HRD Mr. Manish Sharma and his family and to protect them from further harassment by the UP police and their threat to frame him in terrorism cases and give it in writing to the honorable Commission.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary