



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 16, 2019

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 – Criminal cases filed against 20 named and 500 other unnamed student human rights defenders of Aligarh Muslim University in Civil Lines police station, Aligarh in Uttar Pradesh by UP police for organising peaceful protest against Citizenship Amendment Bill (CAB) 2019 /denying their rights to freedom of peaceful assembly and association to register their legitimate protest in the Aligarh Muslim University campus – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours 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 criminal cases registered against 20 named and 500 other unnamed student human rights defenders of Aligarh Muslim University in Uttar Pradesh by UP police in Civil Lines police station, Aligarh on December 10, 2019. The students had been charged under various sections of Indian Penal Code for peacefully protesting in the campus against the passage of the controversial Citizenship (Amendment) Bill, 2019 in the Indian Parliament and the proposed implementation of National Register of Citizens (NRC) across the country. The police move is clearly aimed to intimidate the defenders and deny the student

human rights defenders their constitutionally guaranteed democratic rights to freedom of peaceful assembly and association in order to register their legitimate protest.

About the Human Rights Defender:

The 20 named and 500 other unnamed persons in the FIR are young student human rights defenders from Aligarh Muslim University in Uttar Pradesh. Those named in the FIR included former student union president Mr. Faizul Hussain, outgoing student union president Mr. Salman Imtiaz and one of the coordinators of protest Mr. Sharjeel Usmani.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- Media Reports

The Perpetrators:

Police personnel from Civil Lines police station, Aligarh in Uttar Pradesh
District Administration, Aligarh, Uttar Pradesh

Date and Place of incident:

10 December, 2019

Aligarh Muslim University campus in Aligarh, Uttar Pradesh.

Details of the Incident:

According to the information received on 10 December, 2019 Uttar Pradesh police registered an FIR against 20 named and 500 other unnamed student human right defenders of Aligarh Muslim University in Civil Lines police station, Aligarh in connection with their protest against the passage of the controversial Citizenship (Amendment) Bill, 2019 in the Indian Parliament and the proposed implementation of National Register of Citizens (NRC) across the country. On 10 December, 2019 evening, the AMU students took out a peaceful protest march from the University Library to the Bab-E-Sayyed gate, varsity's designated spot for protests and public meetings. According to the AMU students their protest was totally peaceful and it's their democratic right to raise voice against Citizenship Amendment Bill (CAB) which is not just against the letter and spirit of the Constitution but is designed to polarise

Indian people on communal lines and divide the country. Students were demanding the immediate withdrawal of the bill. According to the police, cases against the students were filed for defying prohibitory orders under Section 144 which prohibits gathering of more than four people, and holding a protest near Faiz Gate in the campus. According to the police the students had violated this provision by marching up to the University Circle and trying to disturb the peace. The Police FIR says the provisions of Section 144 had been in effect since November 8, 2019, and the students had been charged under Sections under Section 144 (Joining unlawful assembly armed with deadly weapon), 147 (Punishment for rioting), 188 (Disobedience to order duly promulgated by public servant) and 353 (Assault or criminal force to deter public servant from discharge of his duty) of Indian Penal Code by the District Administration. Sources informed that one of the coordinators of the peaceful protest march Mr. Sharjeel Usmani was threatened by the local police and he was told that he would be charged under National Security Act (NSA) if he fails to withdraw himself from the student activism.

The controversial Citizenship Bill has sparked protests and agitations across the country, with many calling it "unconstitutional" and against the secular idea of India. The Citizenship (Amendment) Bill, 2019, was passed with a majority of 311 votes against 80 votes in Lok Sabha, the Lower House of Indian Parliament on December 9, 2019. The Bill seeks to grant Indian citizenship to refugees from Hindu, Christian, Sikh, Buddhist and Zoroastrian communities fleeing religious persecution from Pakistan, Afghanistan, and Bangladesh who entered India on or before December 31, 2014. It thereby extends an opportunity for grant of citizenship to select minority communities of select neighbouring nations. According to the protesting students the Citizenship Amendment Bill's blatant exclusion of a community is discriminatory and divisive because the bill leaves out refugees such as Rohingyas from Myanmar or Tamils from Sri Lanka or Ahmadiyyas from Pakistan. The amendments by giving special privileges to Hindus, Sikhs, Buddhists, Jain, Parsis and Christians from these three countries, single out Muslims for exclusion. Students say the focus on only three countries shows as if these constitute the only possible sources of asylum-seekers. By distinguishing illegal immigrants on the basis of religion, the bill violates the secular principles enshrined in the Constitution — including Articles 14,15, 16 and 21 which

guarantee the right to equality; equality before the law; and non-discriminatory treatment by the Indian state.

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 registration of FIR against peacefully protesting student human rights defenders of Aligarh Muslim University, Aligarh, Uttar Pradesh;
- Take immediate legal action on the perpetrators in this case Uttar Pradesh police of Aligarh for filing the FIR and denial of the right to assemble and associate freely to register their protest to all the student human rights defenders who participated in the peaceful assembly and protest in Aligarh Muslim University campus;
- Ensure that all charges against all student human rights defenders are immediately dropped and ensure them to peacefully exercise their right to freedom of peaceful assembly and association to register their protest;
- Ensures provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they are undergoing because of the false criminal cases against them and provide a re-assurance of not engaging in such acts against student HRDs;
- Put an end to all acts of harassment against all human rights defenders in general in Uttar Pradesh to ensure that in all circumstances they carry out their activities without any hindrances;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;
- Take steps to ensure the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on

December 9, 1998 which recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals;

- 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 Uttar Pradesh.

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