

## PRESS STATEMENT

**HRDA/NHRC-STM/South/TN/01/10/2023**

Date: 06 October 2023



Human Rights Defenders Alert – India welcomes the release of Advocate Mohamed Abbas, who was arrested on 9<sup>th</sup> May 2023 by the National Investigation Agency (NIA) from his residence in Madurai. He was under judicial custody till today and was released Yesterday.

- The case was registered by a Government of India order dated 16.09.2022, which directed the National Investigation Agency to investigate (NIA) the matter. The NIA registered the Case in Case No RC 42/2022/NTA/DCI in Police Station New Delhi on 19.09.2022.
- Advocate Abbas filed a memo on behalf of the Accused A11 in case No RC 42/2022/NTA/DCI before the Honourable Special Court Under the National Investigation Agency Act, 2008. Poonamalle, Chennai. On 08.05.2023, NIA executed the search warrant. NIA allege that they recovered several knives and an axe from Mr. Abbas's residence and farmhouse. On 09.05.2023, NIA

arrested Mr. Abbas from his House, and Mr. Abbas refused to file the arrest memo. On the same day, the NIA produced Mr. Abbas before the Special Court, the special court remanded him till 23.05.2023. A bail application was filed dated 16.05.2023. On 20.06.2023, the special court dismissed the bail plea.

- Another Case was registered in FIR no 277 of 2023 against Mr. Abbas's Facebook post on 06.03.2023 condemning the torture of Mr. Ali Jinnah by NIA, based on a complaint by Senthil Kumar, Deputy Superintendent of Police, NIA, Chennai.
- On 23.06.2023, a Criminal Appeal was filed before the High Court of Madras and on 01.08.2023, the bail was granted. On 02.08.2023, before the Bail order was executed, the Madurai police tried to effect a formal arrest at 11.30 hrs in Crime No 277 of 2023 at Central Prison, Puzhal-1, Chennai. According to police, Mr. Abbas resisted getting himself arrested, and on the basis of refusal, the police had filed a petition before the learned magistrate, Madurai, seeking a Prisoner in Transit Warrant. The learned magistrate issued the same at 13.30 hours on 02.08.2023. The Prisoner in Transit warrant so issued was produced before the jail authorities at Puzhal – 1, and the jail authorities handed over Mr. Abbas to the Madurai Police.
- HRDA intervened in the Madurai High Court in Criminal. O.P. (MD). No. 14374 of 2023 against the enforcement of a Prisoner in Transit Warrant on the same day. The Hon'ble High Court observed that "It is clear that the Madurai police have acted only to frustrate the bail orders and to see that Mr. Abbas is not enlarged on bail. It is clear that the NIA and Madurai police want to detain Mr. Abbas, and they will be doing so by any means necessary for their personal interests."
- On 3<sup>rd</sup> October 2023, a division bench of the Supreme Court comprising Justice Abhay S. Oka and Justice Pankaj Mithal dismissed the appeal after hearing the Additional Solicitor General's plea to intervene in the bail and held that there is no case to interfere with the order granting bail.
- On 4<sup>th</sup> October 2023, HRDA filed an urgent appeal to the United National Special Procedure Working Group on Arbitrary detention.

All of our collective efforts of protest by the Madurai High Court Bar Association, Madurai District Court Bar Association, Bar Association across the state and Civil Society organisations based in Madurai and Chennai led to this release.

We are grateful for the show of solidarity when we needed the most.

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