

JOINT STATEMENT OF DEMOCRATIC GROUPS AND CONCERNED CITIZENS

FREE JOURNALIST MOHAMMAD ZUBAIR NOW!

1st July, 2022

We, the undersigned, welcome the order of the Delhi High Court, issuing notice to the Delhi police, on a petition filed on behalf of incarcerated journalist Mohammed Zubair, co-founder of AltNews. The petition challenged the legality and propriety of the four-day police remand and the seizure of his electronic devices, as it has been argued that all proceedings in FIR 0172/22 Special Cell, Thana, Delhi Police, are malafide. The Delhi police have been asked by the court to file their response in four weeks.

We are also hopeful that the proceedings before the Metropolitan magistrate on 2nd July will restore the constitutional right to liberty of Mohammed Zubair. The illegal arrest of Mr. Zubair happened on June 27, 2022, by the Delhi Police for allegedly hurting religious sentiments and promoting enmity over a tweet from 2018. The IPC Sections included 153(a) (Promoting enmity between different groups on grounds of religion, race, place of birth, residence) and 295(a) (deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs).

As a part of AltNews which runs a factchecking website it was the job of Mr. Mohammad Zubair to verify news from across the political spectrum on social media. We believe that Mr. Zubair is being targeted maliciously for performing the role which a media person is expected to perform, namely scrupulous fact checking as well as exposing fake news and political disinformation. Mr. Zubair's courageous, conscientious and exemplary work as a journalist upheld the highest standards of the media and his work burnished India's global image as a democracy in which truth could be told to power.

According to the Delhi Police, the reason for his arrest is a 2018 tweet wherein Mr Zubair posted a screenshot of a 1983 film by Hrishikesh Mukherjee. However, Mr. Pratik Sinha, the co-founder of AltNews, tweeted that Mr. Zubair was called for questioning by the Delhi police in another case for which he already had protection from the court; but arrested without any notice. The 1983 tweet is simply a pretext of seizing Mr. Zubair's phone and laptop as investigation of the offence is barred by limitation. The seizure of the electronic devices is illegal as they are irrelevant to the FIR. Apart from violating his fundamental right to privacy his journalistic integrity and confidentiality of information and sources, we apprehend that the police may tamper with the seized material and build a false conspiracy to implicate him and other members of civil society as was done with some of the Bhima Koregaon accused by planting material on their laptops.

It is also suspicious that the account from which the complaint came was an anonymous Twitter handle @balajikijaiin by the name of Hanuman Bhakt. The account came into being on October 2021, had only one follower, and this complaint was his first tweet. Although in court during Zubair's remand hearing on Tuesday, the police had submitted that the person running the Twitter account was "not anonymous". However, according to news reports the Delhi police sent a notice under Section 91 of CrPC to Twitter, India, in which the investigation officer informed the website about the case and they've asked them to provide IP log details of the anonymous Twitter handle @balajikijaiin, registration details of the

account, mobile number, connected email ID, and device used by the user. This exposes the malafide of the police which is now trying to trace the complainant after using his tweet as material for an FIR against Zubair.

Apart from the above illegalities, after Zubair's arrest his lawyers were not given a copy of the FIR despite repeated requests. They were given a copy only after the police remand order late into the night of the 27th of June. Zubair was taken around with policemen without name tags; these are all violations of the DK Basu guidelines of Arrest and Detention issued by the Supreme Court of India.

We are also perplexed that remand was granted to the police for such a frivolous case. Under the Constitutional scheme, the Magistrate is not expected to function as a glorified post office, blindly accepting the remand report and ordering remand. The Judicial Magistrate should have ensured that the mandate of Sec 41A CrPC is followed as well as the guidelines laid down in Arnesh Kumar v State of Bihar to **ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorise detention casually and mechanically**. By failing to exercising his judicial role, the Judicial Magistrate ends up empowering the arbitrary state to flout constitutional safeguards with impunity.

We demand that Delhi Police immediately release Mr. Zubair and drop all false charges against him. We also demand that the Delhi Police Commissioner take stern action against errant officials who violated the DK Basu guidelines during the arrest of Mr. Zubair. Given the illegal manner of Mr. Zubair's arrest we are also deeply concerned about Mr. Zubair's safety and prospect of torture in police custody.

It is ironical that on the same day as Mr. Zubair's arrest, India along with G7 countries, signed the '2022 Resilient Democracies Statement', wherein the Indian government committed to "guarding the freedom, independence and diversity of civil society actors" and "protecting the freedom of expression and opinion online and offline".

We hope that the Government of India will respect its obligations under the Indian Constitution as well as international laws which India has agreed to be bound by. India in accordance with its self-assumed obligations should also stand by the Declaration on Human Rights Defenders adopted in 1998 by the UN general Assembly, ensuring the safety of all those who are critical of the government including HRDs in India, and protect the freedom of expression and opinion of all.

We are,

In alphabetical order

S. No.	Name	Organization
1	Aditya Shrivastava	Advocate
2	Afsar Jahan	Advocate
3	Qudsia Tabassum	Advocate
4	Aishwarya	Bahutva Activist
5	Ajit Sahi	Independent Journalist & Indian American Muslim Council
6	Aakar Patel	Writer and Human Rights Activist

7	Aysha	Social Activist
8	Amrita Johri	National Campaign for People's Right to Information.
9	Anant Mariganti	Independent Writer
10	Anik	Journalist
11	Anjali Bhardwaj	NCPRI and NAPM
12	Annie Raja	National Federation of Indian Women (NFIW)
13	Antony PM	Activist, Bagaicha
14	Anubha Rastogi	Advocate
15	Anuradha Banerjee	Saheli
16	Anuradha Talwar	Paschm Banga Khet Majoor Samiti
17	Apar Gupta	Executive Director, Internet Freedom Foundation
18	Apeksha Priyadarshi	Bhagat Singh Ambedkar Students Organization
19	Apeksha Vora	Independent Theatre Person and Activist
20	Apoorvanand	Academic
21	Arjun Sheoran	People's Union for Civil Liberties (PUCL)
22	Arundhati Dhuru	National Alliance of People's Movements (NAPM)
23	Arvind Narrain	PUCL Karnataka
24	Ashim Roy	Trade Unionist
25	Ashima	Saheli
26	Ashish Ranjan	JJSS and NAPM Bihar
27	Ashok	PUCL Gujarat
28	Asma	Feminist Activist
29	Avinash	Human Rights Worker
30	Ayeesha Rai	NNSW
31	Aruna Roy	MKSS, Rajasthan
32	Bela Bhatia	Advocate and Activist
33	Biplab Baidya	
34	Bittu	WSS
35	Brinelle D Souza	Justice Coalition of Religious, West India
36	Chayanika Shah	Forum Against Oppression on Women (FAOW)
37	Clifton Rozario	AILAJ and AICCTU Karnataka
38	Deepthi	Dalit Women's Collective
39	Devangana Kalita	Student and Activist
40	Ditthi	NTUI
41	Dipa Sinha	Economist
42	Donna	Activist
43	Dr. Vikas Bajpai	Jan Hastakshep
44	Elina Horo	Adivasi Mahila Network
45	Farhana Khan	Educationist, Activist
46	Farzana	Human Rights Activist
47	Father Cedric Prakash	Social Activist
48	Fr. Frazer Mascarenhas	Academic Administrator
49	Father Jothi	Activist, Indian Christians for Democracy
50	Gutta Rohit	Human Rights Forum (HRF)

51	Gautam Modi	New Trade Union Initiative (NTUI)
52	Geeta Seshu	Free Speech Collective
53	Grace Banu	Trans Rights Now Collective
54	Harsh Mander	Social Activist & Author
55	Hasina	Bebaak Collective
56	Henri Tiphagne	People's Watch and Human Rights Defenders Alert
57	Imran Siddiqui	Environmental Activist
58	John D Souza	Activist
59	John Dayal	National Solidarity Forum
60	Kaneeez Fathima	Civil Liberties Activist
61	Kaladas Deheriya	Chattisgarh Mukti Morcha – Mazdoor Karyakarta Samiti
62	Kavita Krishnan	All India Progressive Women's Association (AIPWA)
63	Kavita Srivastava	People's Union for Civil Liberties
64	Khalida Parveen	Social Activist
65	Lara Jesani	PUCL, Maharashtra
66	Lekshmi	Activist
67	Lotika	Insaaf
68	Madhumita Dutta	Activist
69	Madhura	Activist
70	Madhuri Krishnaswamy	Jagrit Adivasi Dalit Sangathan (JADS) & PUCL
71	Maimoona Mollah	All India Democratic Women's Association (AIDWA)
72	Manan Ganguly	Health Rights Activist
73	Manju Goel	Activist
74	Maria Tabassum	Director, Madina and Global Group of Institutions
75	Mariam Dhavale	AIDWA
76	Mathew	People's Watch
77	Mazhar Hussain	Social Activist
78	Meena Sheshu	National Network of Sex Workers (NNSW)
79	Meera Sanghamitra	NAPM Telangana
80	Meha Khanduri	Human Rights Defenders Alert
81	Mihir Desai	PUCL Maharashtra
82	Mridul	Queer and Trans Rights Activist
83	Mrinal	Activist
84	Nachiket	MKSS
85	Nandini Rao	Feminist Activist and RAAG
86	Nandini Sundar	Sociologist
87	Natasha Bhadwar	Karwan-e-Mohabbat
88	Natasha Narwal	Feminist Researcher and Activist
89	Navsharan	Feminist Researcher and Activist
90	ND Pancholi	PUCL New Delhi
91	Neepta Majumdar	Activist
92	Nikhil Dey	MKSS, Rajasthan
93	Nisha Abdullah	Bahutva Karnataka
94	Nisha Biswas	WSS West Bengal

95	Noorjahan Siddiqui	Activist
96	P. Shankar	Dalith Bahujan Front
97	Prasad Chacko	PUCL, Gujarat
98	Poonam	Pragatisheel Mahila Sangathan
99	Poushali Basak	Feminists in Resistance
100	Praveer Peter	Jharkhand Janadhikar Mahasabha
101	Preeti Oza	PUCL, Gujarat
102	Priyanka Shukla	Advocate
103	Priyanka	Dalit Feminist Activist
104	Prof. Ayesha Faruqi	Retired Academic
105	Prof. Padmaja Shaw	Activist
106	Prof. Rama Melkote	Activist
107	Prof. Susie Tharu	Citizen
108	Purwa Bharadwaj	Theatre person and academic
109	Pushpa Klapremi	RELAA
110	Rajendra	PUCL
111	Rati Rao	All India Progressive Women's Association (AIPWA)
112	Rajimketwas	Chhattisgarh Mahila Manch
113	Ranjana Padhi	Social Activist
114	Raj Shekhar Singh	Student and Activist
115	Rohit Prajapati	PUCL
116	Rushda	National Federation of Indian Women (NFIW)
117	S. Ashalatha	Social Activist
118	Sabah Qadri	
119	Sabah	Independent Journalist
120	Sajaya Kakarla	Independent Journalist and Social Activist, WTJAC
121	Sandhya Gokhale	Forum Against Oppression on Women (FAOW)
122	Sandhya	Progressive Organisation for Women, Telengana & AP
123	Sandipa	Activist
124	Sanjay MG	NAPM Maharashtra
125	Sarah Mathews	Social Activist
126	Satnam	Saheli
127	Shabnam Hashmi	Anhad
128	Shalini Gera	PUCL Chhattisgarh & Chhattisgarh Bachao Andolan
129	Shraddha	Independent Researcher
130	Shubhangi Shukla	Independent Activist
131	Shweta Tambe	Jan Swasthya Abhiyan
132	Siraj Dutta	Jharkhand Janadhikar Mahasabha
133	Smita Gupta	Feminist and Independent Activist
134	Sneha Gill	Indian Christians for Democracy
135	Snehal Shah	Independent Researcher
136	Sucheta De	All India Central Council of Trade Unions (AICCTU)
137	Sumitra	Ankuram
138	Surbhi	Activist

139	Susan Abraham	Advocate
140	Syed Majid Shuttari	Social Activist
141	Tanmay	Jan Jagran Shakti Sangathan
142	Tejaswini	Hyderabad for Feminism
143	V Suresh	General Secretary People Union for Civil Liberties.
144	Vani Subramanian	Saheli
145	Vidhya	Women Against Sexual Violence and State Repression (WSS)
146	Xavier Jeyaraj	Social Activist