



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 11, 2022

To
Mr. Indrajeet Kumar
National 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

Dear Sir,

Sub: HRD Alert-India – URGENT INTERVENTION NEEDED- Women HRD's parents abducted by Allahabad police in violation of DK Basu guidelines.

Greetings from Human Rights Defenders Alert -India!

We are writing of our grave concern over the abduction of WHRD Ms Afreen Fatima's father, (Javed Mohd) mother (Parveen Fatima) and younger sister (Sumaiya Fatima) by Prayagraj police on the night of June 10-11, 2022 without any compliance with the NHRC guidelines or CrPC's mandatory procedures on arrest and detention being followed by the Prayagraj police. The WHRD's family's current whereabouts remain unknown.

We would like to state here that the HRD Focal Point Mr. Indrajeet Singh was called at 9:32 am and 10:47 am on June 11, 2022, regarding NHRC's urgent intervention needed to trace WHRD's parents abducted to an undisclosed location by the Prayagraj police but his phone was not picked up. HRDA smsed him an urgent message at the official number for urgent action to call the relevant police officials. We have not received any update from the NHRC till the present.

About the Human Rights Defender:

The WHRD Ms Afreen Fatima, is an activist and researcher, Councillor JNUSU -2019-2020, and ex-president of WCSU Aligarh Muslim University.

Source of the Information:

- Communication with the HRDA North Regional Coordinator
- Communication with the WHRD

The Perpetrators:

Officials of Kotwali police station, Prayagraj UP

Officials of Prayagraj police, UP

Date of Incident:

June 10-11, 2022

Place of Incident:

Prayagraj, Uttar Pradesh

Details of the incident:

On June 10, 2022, at 8:30 pm in the night, 10-12 uniformed policemen from the Kotwali police station, came to Ms. Afreen Fatima's house and told her father to come to SSP's office for questioning. They had no detention memo or arrest warrant and despite the family's protests, took away her father to an undisclosed location. He has not been heard from since then.

At 12:30 am, again 8-10 policemen came to her house, and picked up her mother and 19 year old sister without any due process, paperwork or disclosing where they were being taken. The family was not informed of their whereabouts or well-being and are unaware about where and how they are.

At 1:30 am in the night the policemen returned to her house and tried to take Ms. Fatima and her sister in law with them, however the two women resisted and refused to go with them at night. The policemen then tried to evict the WHRD from the house. Now policemen have cordoned off her house, and the WHRD is scared without any knowledge of the whereabouts of her parents or sister. She has also said that at 3 am in the night the police threatened to demolish their house without any cause.

This is in essence an abduction and violation of multiple DK Basu guidelines of arrest and detention by the Supreme Court of India. All mandatory arrests procedures were ignored. No warrant or arrest memo were produced, information to immediate family was not provided and access to lawyer was denied. Mr. Fatima's mother and sister were told to bring their mobile phones to the police. Their current whereabouts, despite over 10 hours of abduction, are unknown and their lives may be in danger. The WHRD says both her mother and father are diabetic and need regular insulin to ensure their life.

Furthermore calling a woman to the police station after sunset is a clear violation of Section 46(4) of CrPc as Mrs. Parveen Fatima and Ms. Sumaiya Fatima were picked up after sunset and no papers were showed which provided the approval of such a detention or arrest by a judicial magistrate. Furthermore demolition of a house without any prior notice is unlawful. All these amount to harassment and intimidation of a HRD and their family by the police and are unlawful in Indian law and in complete violation of human rights guidelines of arrest.

Appeal:

HRDA appeals to the NHRC to urgently:

- Call the Director General of Police of UP, senior police officials of Prayagraj and ask them to release the father, mother and sister of Ms. Afreen Fatima

immediately from their undisclosed location and give it in writing to the NHRC in 24 hours.

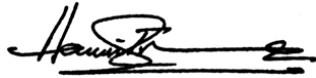
- Issue notice to the Director General of Police of Uttar Pradesh to produce within 48 hours all relevant documents pertaining to the abduction of Ms Afreen Fatima's parents for an independent examination by the NHRC.
 - arrest memo as required under Section 41B of the CrPC, including name and designation of the police officer who prepared the arrest memo.
 - medico-legal certificate prepared under Section 53 of the CrPC, as well as report of the medical examination conducted under Section 54 of CrPC
 - Inspection Memo prepared at the time of arrest as required under the guidelines laid down by the Supreme Court in DK Basu vs State of West Bengal [1997 (1) SCC 416], as well as the name and designation of police officer who prepared the said Inspection Memo
 - Names, ranks and designations of every police personnel to be identified and put on record
 - Duty records and registers of all arresting/detaining officers and Station In-Charge on duty on the relevant dates
 - General Diaries, FIR and arrest registers of the concerned police station
 - Establish the full chain of custody of Mr. Javed Mohd. and Mrs Parveen Fatima and Ms. Sumaiya Fatima and submit the same in writing which must include every location, police station, detailed vehicle and personnel logs, and any other relevant noting
 - CCTV footage from the concerned police stations confirming where Mr. Javed Mohd. and Mrs Parveen Fatima and Ms. Sumaiya Fatima were taken to and detained.
- Examine compliance with all the mandatory procedures on arrest and detention laid down in Sections 41 of the CrPC, particularly with Sections 41A, 41B and 41D, Section 46(4) of CrPc, and Sections 50, 50A, 51, 54, 55A, 56, 57, and 60A of the Code were followed by the police.
- Examine compliance with the NHRC Guidelines on Arrest.
- Examine whether the District Legal Services Authority was informed by the police station of the arrest and detention.

- Examine whether Ms. Fatima's mother and sister were met by women police in the police station.
- Order urgently a thorough medical examination of by an independent team of doctors in Uttar Pradesh.

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Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

National Working Secretary