



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 04, 2020

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: Arbitrary arrest, detention and continuing harassment under a fabricated police case of human rights defender Dr. Kafeel Khan by Uttar Pradesh police – Regarding

Dear Sir,

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.

On behalf of HRDA, we express our grave concern regarding the latest development in the case of human rights defender Dr. Kafeel Khan who was forcibly picked up by the Special Task Force (STF) of the Uttar Pradesh Police with the assistance of Mumbai Police from Mumbai Airport at around 10.58 pm on 29 January, 2020 after he had landed there from Patna. Dr. Kafeel Khan was scheduled to attend a peaceful protest against the Citizenship Amendment Act (CAA) and the proposed nationwide National Register of Citizens (NRC) in Mumbai where women had organised a sit-in since 11 am on 30 January, 2020. Following the arrest Dr Kafeel Khan was taken to Sahar Police Station in Mumbai. On January 30, 2020 the Chief Metropolitan Magistrate, Bandra Court No. 9 granted transit remand to UP police till 2nd January, 2020. After completing formalities Dr. Kafeel Khan was taken to Aligarh in Uttar Pradesh. The Special Task Force of UP Police picked up Dr. Khan around 40 days after a complaint was registered against him on December 13, 2019 in civil lines police station in Aligarh city of Uttar Pradesh. The case against Dr Kafeel Khan is for allegedly

giving a provocative speech at the open talk organised in Aligarh Muslim University (AMU) campus on the Citizenship (Amendment) Act, 2019. According to the police, the FIR was registered against him under section 153-A (Promoting enmity between different groups on ground of religion) of IPC at the civil lines police station, Aligarh.

HRDA - India has issued an urgent appeal in his case on 13 January, 2020 which was registered by the Hon'ble National Human Rights Commission with Diary No6697/CR/2020 and Case / File No: 2520/24/3/2020. This is the second appeal in his case after his arrest requesting necessary actions in respect of protecting human rights defender, Dr. Kafeel Khan. HRDA – India believes that the police case against Dr. Kafeel Khan was filed with the intention of intimidating and criminalising the human rights defender by the Uttar Pradesh police in Aligarh. It is pertinent to mention here that Dr Kafeel Khan was suspended, arrested and jailed for his alleged role in the deaths of over 60 children at Baba Raghav Das Medical College and Hospital in Gorakhpur, Uttar Pradesh due to alleged oxygen shortage in 2017. Dr. Kafeel Khan then was serving as a paediatrician at the Baba Raghav Das Medical College and Hospital in Gorakhpur in Uttar Pradesh as the in-charge of the paediatric wing at the hospital. He had spent about nine months in jail before he was granted bail on April 25, 2018 by the Allahabad high court. Later an Uttar Pradesh government inquiry cleared him of all charges and lauded his actions to save lives during the crisis.

HRDA was informed that Dr. Kafeel Khan was ill-treated, intimidated and tortured during his incarceration in jail. Dr. Kafeel Khan is currently in police detention. HRDA apprehends that HRD's arrest is linked to the tragic incident of death of children in Gorakhpur hospital in 2017. His continued detention is intended to prevent him for demanding a strict probe into the makings of the BRD Medical tragedy and put the real culprits behind bars. It may be noted that in connection with the said tragic incident, the Indian Medical Association in its statement on April 2018 clearly stated these deaths were very clearly as a result of the serious systemic gaps in the public health infrastructure and administrative breakdown of healthcare delivery in the hospital. For this officials from Gorakhpur to Lucknow are to be blamed and not doctors. Whereas, state had all the amenities to prevent the situation from happening, but it could not do so, on the contrary they responded with the wrongful prosecution of Dr. Kafeel Khan from BRD medical college and hospital who with limited amenities tried to prevent the situation”.

Therefore, in the light of above mentioned facts, HRDA most respectfully appeals that this Hon'ble Commission to urgently:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arrest, detention and fabricated case against HRD Dr. Kafeel Khan;
- Take immediate action on the perpetrators, in this case police officers of district Aligarh, Uttar Pradesh for the arbitrary arrest, detention and harassment of the HRD Dr. Kafeel Khan and using all provisions of law to ensure that the defender is not subjected to any kind of torture or ill-treatment and has regular access to his family, lawyers of his choice, and adequate medical care;
- Take necessary steps to ensure that the case filed against HRD Dr. Kafeel Khan is withdrawn immediately which is believed to be solely as a result of his legitimate and peaceful work in defence of human rights;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of his arrest and fabricated case against him and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of harassment and intimidation against all human rights defenders in general in Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;
- More generally, ensures 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.

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)
National Working Secretary