



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No:- HRDA/North East/AS/04/01/2019

January 11, 2019

To,

Mr. Khaleel Ahmad

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 Appeal for Action – Assam: Sedition charges against Intellectual Dr. Hiren Gohain, Activist Akhil Gogoi of Krishak Mukti Sangram Samiti and Manjit Mahanta, Convenor of Forum against Citizenship Act Amendment Bill - 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 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 fabricated charges of sedition against Dr. Hiren Gohain, Akhil Gogoi of Krishak Mukti Sangram Samiti and Manjit Mahanta, Convenor of Forum against Citizenship Amendment Bill, who were protesting against the Citizenship (Amendment) Bill in a peaceful and democratic way in Guwahati, Assam.

Source of Information on the Incident:

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

The Perpetrators:

Assam Police

Date of Incident:

January 9, 2019.

Place of Incident:

Latasil, Guwahati.

Details of the Incident:

On January 9, 2019 a case has been filed against Dr. Hiren Gohain, Activist Akhil Gogoi of Krishak Mukti Sangram Samiti and Manjit Mahanta, Convenor of Forum against Citizenship Act amendment Bill at Latasil Police Station, vide FIR No. 15/19 dated 09.01.19 under Section 120(B), 121, 123, 124(A) of the Indian Penal Code.

Amidst the passing of the Citizenship Amendment Bill at the Lok Sabha there was widespread protest throughout the North Eastern states of India against the said Bill. As a supporter of the protest the above-mentioned victims also attended a public rally at Latasil, Guwahati on January 7, 2019 where they expressed their views against the Citizenship Amendment Bill, 2016 and strongly opposed the passing of the said Bill. According to media reports, Dr. Hiren Gohain in his speech said that if the Centre keeps on disrespecting sentiments of the Assamese people then people of Assam will be forced to demand an independent Assam and Akhil Gogoi said that demand for an independent Assam will be the last option if the Government does not change its decision on the said Bill.

It is pertinent to mention that the above mentioned HRDs have expressed many times in public that they are not against the Constitution of India, but they demand equal constitutional protection for the people of Assam.

Mr. Gogoi has been earlier booked under sedition charges for expressing his criticisms against the policies of the Government of Assam and also the regarding the Citizenship (Amendment) Bill in September 2017. HRDA has sent an urgent appeal for action to the National Human Rights Commission on the same on September 21, 2017. The Commission ordered that the gist of the police report to be shared with HRDA to submit their comments. Surprisingly, NHRC has closed this case on August 27, 2018 while we have submitted our comments on July 31, 2018 itself.

Background Information:

There has been widespread protest against the passing of the Citizenship (Amendment) Bill in Assam since 2016 in the north eastern states of India. But with the decision of the Union Government to table the Bill in Lok Sabha, have hurt the sentiments of the indigenous people of Assam as well as other north eastern states of India. There has been rampant protests against it through-out north eastern states of India. More than hundreds of organization and common people have joined the protest very strongly. To suppress the voice of the peaceful protesters the state has resorted to arrests, detentions, prohibitory orders etc. Many were also injured in Police firing and lathi charge.

It is brought to your notice that this case is yet again an example of how the state through its law enforcement agencies is trying to stifle dissenting voices and curbing

peaceful protestors and falsely criminalizing people who are critical of government opinion and policies with highest charges of sedition and waging war against the state so that rest of the public-spirited people are deterred from criticizing government policies.

Appeal:

- Immediate withdrawal of all the false charges against the above mentioned HRDs;
- Ensure provision of reparation, compensation, apology to the defenders for the psychological sufferings they had to undergo because of the detention and provide a re-assurance of not engaging in such acts against HRD;
- Put an end to all acts of harassment against all human rights defenders in general in Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Take steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
- Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;
- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint,
- The Government of Assam in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Assam to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others...promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- 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 the state of Assam.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a long horizontal flourish extending to the right.

Henri Tiphagne
National Working Secretary