



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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March 24, 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 - Appeal for Action –Uttar Pradesh- *Social activist Dr. Sandeep Pandey and other social activists detained and harassed by Uttar Pradesh police for distributing pamphlets during an anti-CAA protest in Lucknow – Regarding*

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 detention and harassment of social activist and human rights defender Dr. Sandeep Pandey, prestigious Ramon Magsaysay awardee and nine others by the Uttar Pradesh Police while they were going to attend a peaceful march from the Clock Tower, to Ujariyaon in Gomti Nagar area of Lucknow in Uttar Pradesh against the Citizenship Amendment Act. HRD Dr. Sandeep Pandey has been subject to various instances of suppression by the Uttar Pradesh state authorities in the recent past and in this instance there has been a violation of their Rights to freedom of expression and assemble peacefully.

Status of the Human Rights Defender

Dr. Sandeep Pandey is a well know social activist, a Gandhian and an educationist. He is a recipient of the prestigious Ramon Magsaysay award – considered the 'Asian Nobel' – in the 'emergent leadership' category in 2002. Dr. Sandeep Pandey co-founded Asha for Education, one of the most respected NGOs of Asia to provide education to underprivileged children. Dr. Sandeep Pandey also works on right to

information and other forms of citizen participation in removing corruption and improving the efficiency of governance. He also co-founded the well-known grassroots organization National Alliance of People's Movements (NAPM). Recently, he has been vocal against the controversial Citizenship Amendment Act for which he has also been charged with various cases in this regard.

Source of Information on the Incident:

The Coordinator of HRDA for the North of India

The Coordinator of HRDA for Uttar Pradesh

Media Reports

The Perpetrators:

Uttar Pradesh Police, Lucknow

Date and Place of Incident:

February 17, 2020

Lucknow, Uttar Pradesh

Details of the Incident:

According to the information received on January 17, 2020 Dr. Sandeep Pandey, with nine other social activists were going to attend a peaceful march from the Clock Tower to Ujariyaon in Gomti Nagar area of Lucknow in Uttar Pradesh where a similar demonstration has been observed by women. Dr. Sandeep Pandey with the nine other social activists were however, arrested by the police while they were distributing pamphlets of the foot march scheduled for later.

Dr. Sandeep Pandey along with nine other social activists were arrested at around 1.30 pm on January 17, 2020 and taken to the Thakurganj Police station in Lucknow. According to the police Dr. Sandeep Pandey and his associates were "accused of distributing pamphlets criticising the Citizenship Amendment Act". All of them were arrested under the IPC Section 151 (knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse) as it pertained to violating prohibitory orders. The defenders were later released on personal bonds.

It is pertinent to mention here that Dr. Sandeep Pandey has been recently subject to several instances of arrest and other repressive measures in connection to his social activism, particularly relating to anti-Citizenship Amendment Act protests. Through the arrest as a form of intimidation, the Uttar Pradesh Police have violated the rights to freedom of expression and peaceful assembly that are guaranteed as a fundamental

right under the Indian constitution as well as in several international instruments, especially relating to human rights.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of detention and harassment of HRD Dr. Sandeep Pandey and other social activists by UP police;
- Guarantees in all circumstances the physical and psychological integrity and security of the HRDs who still face the risk of further reprisals from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defenders for the psychological sufferings they had to undergo because of their detention and harassment 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;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary