



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/South/KAR/01/03/2024

March 5, 2024

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 – Urgent Appeal for Action regarding detention and harassment of HRD Professor Nitasha Kaul, by immigration authorities at Kempegowada International Airport in Bengaluru, Karnataka.

Greetings from Human Rights Defenders Alert!

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 concern regarding the harassment, intimidation and detention of Professor Nitasha Kaul a professor at the University of Westminster, London, by immigration authorities at Kempegowada International Airport in Bengaluru, Karnataka.

About the Human Rights Defender:

Professor Nitasha Kaul, aged about 48 years is a Kashmiri novelist, writer and poet; and a professor of Political Science at the University of Westminster, London. She is an Overseas Citizen of India (OCI) card holder. In 2019, Ms Kaul served as a key witness before the United States House Committee on Foreign Affairs, testifying about

human rights violations in Indian-administered Kashmir after the abrogation of Article 370.

Source of Information:

- Communication with the HRDA South Regional Co-ordinator
- Communication with the HRD
- Media Reports

Perpetrators:

Immigration officials of Kempegowada International Airport in Bengaluru, Karnataka.

Date of Incident:

February 23, 2023

Place of Incident:

Kempegowada International Airport in Bengaluru, Karnataka.

Background:

On February 24 and 25, 2024, the government of Karnataka organised a conference titled “The Constitution and Unity of India” in Bengaluru, Karnataka to commemorate the 75th year of the Indian Constitution and the 75th year of commitment to the values and spirit of the Constitutional ideas of India. Prof. Nitasha Kaul was invited to the conference as a delegate, by Dr. H.C Mahadevappa, Social Welfare Minister & Mysuru District In-charge Minister.

Details of the Incident:

On February 23, 2024, Prof. Nitasha Kaul arrived at Kempegowada International Airport, Devanahalli, Bangalore. The Immigration officials denied her entry into India on the basis of a ‘preventive lookout circular’. However, she did not receive any information in advance from the Government of India. The immigration officials didn’t inform her of any reason and detained her in a holding cell at the airport. No written documentation and no reason in writing was provided to her regarding her detention. She was detained there for 24 hours under CCTV surveillance. The Immigration authorities failed to provide her with basic amenities. On February 24, 2024, she was deported by boarding a flight to London.

On February 25, 2024, Professor Kaul tweeted that *“Denied entry to India for speaking on democratic & constitutional values. I was invited to a conference as esteemed*

delegate by Govt of Karnataka (Congress-ruled state) but Centre refused me entry. All my documents were valid & current (UK passport & OCI). I was given no reason by immigration except 'we cannot do anything, orders from Delhi'. My travel & logistics had been arranged by Karnataka & I had the official letter with me. I received no notice or info in advance from Delhi that I would not be allowed to enter. spent 12 hours in a flight from London to Bangalore, several hours at immigration where they shuttled me here & there, provided no info on process, then 24 hours in a holding cell (no BA flight back until next day) under direct CCTV w restricted movement, a narrow area to lie down. and no easy access to food and water, made dozens of calls to airport for basic things as a pillow and blanket, which they refused to provide, then 12 hours on the flight back to London. I am a globally respected academic & public intellectual, passionate about liberal democratic values. I care for gender equity, challenging misogyny, sustainability, civil & political liberties, rule of law. I am not anti-Indian, I am anti-authoritarian & pro-democracy. Decades of my work speaks for me. The officials informally made references to my criticism of RSS, a far-right Hindu nationalist paramilitary from years ago. I have travelled to India numerous times since. I was invited by a state govt, but refused entry by the central govt."

Professor Kaul also alleged via tweets that she has been harassed and intimidated for her opinion on India since 2014, given death and rape threats, and she was disinvented from an arranged talk at Nehru Memorial Museum & Library, withdrawal of already publicised lecture on gender at JNU etc without any official reason/explanation.

HRDA is shocked at this detention and harassment of a respected professor, writer and activist invited by a state government, by the immigration officials. We believe that it is an act of reprisal for her activism as a human rights defender critiquing the government policies and the RSS.

This incident harassment, intimidation and detention of Professor Kaul followed by her deportation should be seen in context of the state terror that is being unleashed on civil society and academia to restrain them from criticism of the government policies.

A growing number of international academics in the past have been stopped by the immigration authorities from visiting India leading to the opinion that the Indian government wants to restrain dissent and criticism. In August 2022, Prof Lindsay

Bremner, professor of architecture and cities at the University of Westminster, was not allowed to enter India despite a valid visa. Prof. Filippo Osella, professor of anthropology and South Asian studies at the University of Sussex was deported from the airport despite having a valid work visa and travelling extensively to Kerala for fieldwork.

Freedom of movement is a constitutional right in the Indian Constitution; and as an overseas citizen of India, she has a multiple purpose and lifelong visa for visiting India. Travel restrictions on academics and scholars has a chilling effect on freedom of expression and freedom of movement and the right to peaceful dissent against the government.

The right to freedom of expression is recognized in many international and regional instruments, including: - The Universal Declaration of Human Rights (Article 19), - The International Covenant on Civil and Political Rights (Article 19), - The International Convention on the Elimination of all forms of Racial Discrimination (Article 5(d)(viii)).

The right to freedom of opinion and expression encompasses three different aspects:

1. the right to hold opinions without interference;
2. the right of access to information; and
3. the right to impart information and ideas of all kinds.

The right to freedom of movement is protected under: The Universal Declaration of Human Rights (Article 13), The International Covenant on Civil and Political Rights (Article 12), The International Convention on the Elimination of All Forms of Racial Discrimination (article 5 (d) (i)), The Convention relating to the Status of Refugees (article 26), The Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (articles 2 and 3), and The Declaration on Human Rights Defenders (articles 5 (c) and 9 (4)).

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the illegal and arbitrary detention of Professor Kaul allegedly on the basis of the LOC and submit the report to the NHRC within two weeks.

- Take immediate action on the perpetrators in this case the immigration officials for issuing the LOC and not providing Professor Nitasha Kaul with a copy of the same;
- Ensure that the time of her detention from the time she was formally detained on the basis of the LOC at the immigration is legal under Indian and international law.
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the defender who are still under risk of further attacks from the perpetrators;
- Issue a public statement condemning the targeted attack and harassment of the HRD by Immigration authorities.

We hope to hear from you soon,

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary