



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/UP/05/05/2023

May 16, 2023

To  
Mr. Indrajeet Kumar,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: Abduction and Illegal detention of HRD Advocate Mohammad Shoaib in Uttar Pradesh**

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.

We are writing to express our grave concern regarding the abduction and illegal detention of 75-year-old HRD Advocate Mohammad Shoaib, who is a well-known HRD based in Uttar Pradesh.

**Source of Information:**

- Communication with the HRDA North Regional Coordinator
- Communication with HRD
- Media Reports

**Date of Incident:**

May 07, 2023

**Place of Incident:**

Lucknow, Uttar Pradesh

## **The Perpetrators:**

Police Personnel of ATS Uttar Pradesh

Police personnel of Lucknow

## **About the Human Rights Defender:**

Mr. Mohammad Shoaib (75) is a human rights lawyer and well-known human rights activist in UP. He is the President resident of Rihai Manch, an organization that works on social justice issues and provides free legal aid to the marginalised. The Uttar Pradesh government has also given Mohammad Shoaib the status of "लोकतंत्र सेनानी" (Democracy Fighter) in the past.

## **Details of the Incident:**

On May 07, 2023, at around 07:15 am, 10 people reached Advocate Mohammad Shoaib's house at Latuche Road, Lucknow. Some were in plainclothes and others in police uniform. They asked Mr. Shoaib to come to the Aminabad police station with them. However they gave no reason or notice to him. His wife Ms. Malka Bee said that Adv. Shoaib was ill and had heart disease and high BP. However the policemen said that they would send back Mr. Shoaib in a short while.

When the entire day passed and Advocate Shoaib did not return, his wife went to the reached Aminabad police station at around 9:30 pm, where she was told that Mr. Mohammad Shoaib was never brought to the Aminabad police station.

Mr. Shoaib's wife wrote a letter to the Station House Officer of Aminabad police station, asking them register an FIR to provide information about the disappearance of Adv. Shoaib. However, the FIR was not registered.

Around 10 pm, on May 07, 2023, around Mr. Shoaib reached his house. Mohammad Shoaib called his arrest illegal and said that the police had told him that he was being taken to the Aminabad police station, but the Anti Terrorism Squad (ATS) took him directly to the ATS headquarters in Lucknow from his house.

He said that the ATS questioned him about the PFI (Popular Front of India) for several hours and asked him when he had joined PFI; to which he replied, that he runs his own organization "Rihai Manch" and why would he join any other organization?

During interrogation the ATS also asked Adv. Shoaib to disband Rihai Manch, his NGO working to provide legal help to the marginalised. The ATS also said that Advocate Shoaib had accused ATS of implicating people in false cases in the past. To which Mr. Shoaib replied that he has proved this in the court and many accused had also been acquitted.

We are shocked at the illegal detention of the established human rights activist and lawyer by the Anti-Terrorism Squad. Mr. Shoaib was given no detention memo that he was being taken for questioning and why. He was deliberately misled about where he was taken and his family or his lawyers were given no information about his whereabouts for 12 hours.

We contend that the ATS has violated multiple guidelines of the DK Basu Guidelines of Arrest and detention: *Guideline 1: (The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible, and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.).* *Guideline 3, (A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed).* *Guideline 5, (The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.).* *Guideline 6: An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is. And Guideline 10 (The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.)*

Further, the ATS had no right to ask Mr. Shoaib to disband his NGO (Rihai Manch) as the Indian Constitution gives every citizen the right to formulate an NGO or society and for registering it legally.

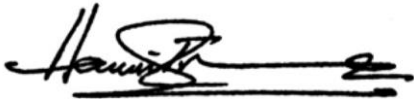
We thus believe that forcible picking up of an advocate Shoaib violating multiple provisions of the DK Basu Guidelines of Arrest and Detention by the Hon'ble Supreme Court of India amounts to abduction by the Uttar Pradesh police.

**Appeal:**

We appeal to the Hon'ble Commission to urgently take action and:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into the kidnapping of the HRD Advocate Mohammad Shoab and the violation of the DK Basu guidelines of arrest and detention and submit a report to the NHRC in four weeks.
- Based on the result of the inquiry, direct the Director General of Police of Uttar Pradesh to take urgent action against policemen who illegally picked up Mr. Mohammad Shoab in violation of the DK Basu guidelines.
- Direct the Director General of Police of Uttar Pradesh to ensure the safety of HRD Adv. Mohammad Shoab and his family and to protect them from further harassment by the police and give it in writing to the honorable Commission.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary