



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/South/KL/03/01/2024

09 January 2024

To
Justice (retd.) Mr. AK Mishra
Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Justice Mishra,

Subject: Requesting to initiate suo moto proceedings in the case of FIR against students by Kerala Police on 4th January 2024 for peaceful pro-Palestine protests

We are writing to you to bring to your kind attention that on January 4, 2024 Farook College in Kozhikode, and activists of the Fraternity Movement – the student wing of the Welfare Party of India gathered near the Beach Starbucks store in Kozhikode, and set up posters of "Free Palestine" and "Caution Contents May Fund Genocide" near Starbucks store.

A case was filed by the Starbucks officials at Kozhikode Town Police Station under sections house-trespass (IPC 448), wantonly giving provocation with intent to cause riot (IPC 153), mischief causing damage (IPC 427), and acts done by several persons in furtherance of common intention (IPC 34). The case was registered against Waseem Manssor, Fathima Meharin and 4 other students. The police have also seized the student's car.

The students tried to create a video highlighting brand supporting the genocidal war on Gaza. Starbucks has faced global boycott pressure for its perceived pro-Israel stance

during the Gaza conflict. Starbucks also filed a lawsuit against workers for a pro-Palestinian social media post.

Police officials of Kozhikode Town Police Station arrested the students on January 4, 2024. The incident has been reported widely in the media, and a link is shared here for your reference - [Six students arrested over pro-Palestine posters in Kozhikode Starbucks, released on bail | Thiruvananthapuram News - The Indian Express](#)

The Right to protest is recognized under several international instruments, including:

- The International Covenant on Economic, Social and Cultural Rights (Article 8),
- Article 5 (a) of the Declaration on Human Rights Defenders 1998 states that “For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, to meet or assemble peacefully”.

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

Women defenders often face more risks when participating in collective public action because of perceptions of the traditional role of women in some societies, and they become targets of non-state actors (A/61/312, para. 72)

States must Investigate and prosecute instances of gender-based violence against women defenders occurring during demonstrations as a matter of priority. It is important to give no-tolerance signals on gender-based violence (A/62/225, para. 101 (a)).

The right to exercise freedom of speech and expression is enshrined under Article 19 (a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects:

- 1) The right to hold opinions without interference;
- 2) The right to access to information, and
- 3) The right to impart information and ideas of all kinds.

We believe the registration of FIR and arrest of the students is an act of reprisal against their peaceful pro Palestine protest.

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *suo moto* cognizance of this incident and initiate an independent inquiry through NHRC's investigation wing.

We hope and expect that the NHRC will intervene in this case impartially and in a time bound manner.

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary