



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

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HRDA Demands Immediate Release of Teesta, Sreekumar and Bhatt

We strongly condemn the arrest of Teesta Setalvad, RB Sreekumar and Sanjiv Bhatt in a politically motivated case to target those who strived for accountability and justice for the victims and survivors of the 2002 Gujarat Riots. We are deeply concerned at the judicial overreach exercised by the Supreme Court bench in deciding the appeal filed by Zakia Jafri, wife of slain Member of Parliament Ehsan Jafri, and Teesta Setalvad, challenging the clean chit given by the Special Investigation Team (SIT) to the then Gujarat Chief Minister Narendra Modi and 63 others in the Gulberg Society Case. The Gujarat Riots witnessed brutal killings of close to 2000 people. As many as 68 people were killed, including Ehsan Jafri, in Ahmedabad's Gulberg Society on February 28, 2002.

On June 24, 2022, the Supreme Court bench, while setting aside the appeal against the SIT, described this quest for justice as a nefarious design to keep the pot boiling for ulterior motive. The Supreme Court commented, "*all those involved in such abuse of process, need to be in the dock and proceeded with in accordance with law*", while terming Zakia's struggle being prompted by "*the protagonists of quest for justice sitting in a comfortable environment in their air-conditioned office*". We are shocked at the Court verdict which amounts to calling for revenge against human rights activists for seeking justice. The Court verdict has been promptly followed by a blatant display of retaliation against defenders of rights by the State machineries.

On June 25, 2022, as the Union Minister of Home Affairs Amit Shah, while welcoming the Court verdict during an interview, minced no words in putting Teesta Setalvad in the dock. Within a few hours of his comment, a team of Gujarat's Anti-Terrorism Squad (ATS) barged into Teesta Setalvad's house in Mumbai and forcibly detained her. Through the night, she was taken to Ahmedabad by road while in the custody of the ATS where her custody was handed over to the Ahmedabad Crime Branch in early hours of June 26, 2022, and she was later arrested. Former Director General of Police (DGP) of Gujarat RB Sreekumar was arrested on June 25, 2022.

Before the metropolitan magistrate Teesta Setalvad mentioned about the arbitrary detention and ill-treatment in the custody, including bruises on her hands. Both Teesta Setalvad and RB Sreekumar were subjected to six days of police custody till July 2, 2022, and are now subjected to judicial custody since July 2, 2022. According to the Gujarat Police, the process for bringing Sanjiv Bhatt, a former Indian Police Service (IPS) officer, to the custody of Ahmedabad crime branch custody has commenced as he has been serving a life sentence for a case of death in custody which appears to be politically motivated. A SIT has been formed comprising senior officials from the Gujarat ATS and Ahmedabad crime branch.

FIR 87/2022 was registered at 11 AM on June 25, 2022, by the Ahmedabad crime branch accusing Teesta Setalvad, RB Sreekumar, Sanjiv Bhatt and others of criminal conspiracy,

forgery and giving or fabricating false evidence, among other Indian Penal Code (IPC) sections. The period of the alleged crimes is over 22 years, between January 1, 2002 – June 25, 2022. The chain of events and aggressive manner in which the State has reacted after the Supreme Court verdict demonstrate an ugly abuse of power and provisions of law to extract revenge and put in dock those who have struggled for justice for two decades. Given that this struggle was against the political might of Modi and Shah – the then chief minister and home minister of Gujarat and now the prime minister and home minister of India – the FIR, we fear, will be the tool of reprisal against all those who demanded accountability and justice after the 2002 Gujarat Riots.

Teesta Setalvad, a journalist and woman human rights defender, is widely recognised for her commitment and support to victims of communal violence in Gujarat since 2002. During the past two decades, she has been challenged with a slew of malicious and fabricated cases on multiple occasions. In 2016, the Government of India had cancelled the Foreign Contribution Regulation Act (FCRA) license of her organisation *Citizens for Justice and Peace* (CJP). Both RB Sreekumar and Sanjiv Bhatt have on multiple occasions before the SIT pointed out to Gujarat government's role in the 2002 Gujarat Riots.

Known for being the strong pillar of the Indian democracy, we would like to emphasise here that the Supreme Court has on multiple occasions defended and appreciated victims and their representatives for enduring struggles for justice which often last over decades. However, we regret the current this case will have chilling effects, not only in this case but in many other cases, of opening the scope for prosecuting those challenging the most powerful – often the State.

The courts in the recent past have not prioritised matters concerning human rights and civil liberties directly in conflict with the State. The challenges to the Citizenship Amendment Act 2019, abrogation of Article 370 of the Indian Constitution, and the prolonged pre-trial detention of human rights defenders under the Unlawful Activities Prevention Act (UAPA) are some pressing issues still requiring courts' active attention. However, with the judgement in the *Zakia Ahsan Jafri vs State of Gujarat* (SLP CrI No. 7899/90/2015), the Court has severely restricted the scope of exercise of key fundamental rights. It has potentially left the victims to fight their own battles by themselves and told the human rights defenders not to help and stand with victims seeking justice.

Teesta Setalvad, RB Sreekumar and Sanjiv Bhatt are today added to the growing list of the some of the finest human rights defenders of India languishing in jails for exercising their dissent and being critical of the State and its policies. The unfolding of the events from June 24, 2022, particularly the haste in which the Gujarat Police has acted, leaves no doubt that it is a well-coordinated effort between the state and the centre, possibly directly orchestrated by the top offices in New Delhi.

We appeal that Teesta Setalvad, RB Sreekumar and Sanjiv Bhatt are immediately and unconditionally released and the FIR against them and others are quashed urgently. We urge the Chief Justice of India to assign a larger bench of the Supreme Court to deliberate and review this case. We demand that the Government of India must respect all its obligations under national and international laws, including its commitments and pledges in the United Nations Human Rights Council, and refrain from criminalising human rights defenders for their legitimate work.