



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/North/UP/01/12/2020

December 13, 2020

To,
Mr. C.S Mawri,
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 - Urgent Appeal for Action – Uttar Pradesh: Arrest under fabricated charges against peace activist Mr. Faisal Khan of Khudai Khidmatgar and his three colleagues.

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 regarding the arrest and imprisonment of HRD Mr. Faisal Khan and charges against his three other associates by the Uttar Pradesh police. Mr. Khan and his associates were on a peace and harmony pilgrimage in celebration of Lord Krishna.

Source of Information:

- Communication with the HRD's family
- Communication with the HRDA North regional consultant
- Media Reports

Date of Incident:

November 2, 2020

Place of Incident:

Temple of Nand Baba in Mathura

Place of arrest: Sabka Ghar (Head Office of Khudai Khidmatgar) Delhi.

The Perpetrators:

Police Personal of Barsana Police Station, Mathura, Uttar Pradesh

About the Human Rights Defenders:

- Advocate Mr. Faisal Khan (50) is the national convenor of the Khudai Khidmatgar, founded by freedom fighter Mr. Khan Abdul Gaffar Khan – (popularly known as Frontier Gandhi). The organization works for peace and communal harmony in the country. He is a Gandhian peace activist, working to bring various religious communities together and promote harmony and love.
- Mr. Chand Mohammed is a social activist associated with Khudai-Khidmatgar.
- Mr. Alok Ratana is a student-activist associated with Khudai-Khidmatgar.
- Mr. Nilesh Gupta is a student-activist associated with Khudai-Khidmatgar.

Background of Incident:

On October 25, 2020, a four-day bicycle travel (yatra) for peace and communal harmony was started by Mr. Faisal Khan, Mr. Neelesh Gupta, Mr. Sagar Ratna, and Mr. Chand Mohammed from Varndavan to Mathura. They planned to visit temples and mosques and interact with the people giving them the message of love and brotherhood. During the yatra, discussions about the philosophy of Hinduism, verses of Tulsidas, Raskhan and Rahimdas also took place.

On October 29, 2020, Mr. Khan and others reached the temple of Nand Baba, Mathura where the yatra ended. Here a video showed that the temple priest met Mr. Khan and members of Khudai Khidmatgar extremely cordially and asked them to stay for lunch. Then they offered namaz in the temple compound, stayed for some time, had lunch there and then left for home.

Mr. Khan also wrote on his social media page: *“Yatra completed! Braj 84 Kos Parikrama - a yatra from 26th to 29th Oct for religious harmony, love, kindness and tolerance. The yatra ended at Nand Baba Temple in the village Nand near Mathura. A journey full of love and brotherhood through the Braj has come to an end.”*

Details of the incident:

On November 01, 2020, at 11:03 pm, a FIR was registered against Mr. Khan, Mr. Ratna, Mr. Gupta and Mr. Mohammed in Barsana Police Station, Mathura.

The FIR was registered under IPC Sections 153A (wanton vilification or attacks upon the religion, race, place of birth, residence, language etc of any particular group or class or upon the founders and prophets of a religion), 295 (destruction, damage, or defilement of a place of worship or an object held sacred, with intent to insult the religion of a class of persons) and 505 (intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community).

On November 02, 2020, Mr. Khan was arrested by UP Police from Sabka Ghar in Delhi (Head Office of Khudai Khidmatgar) and taken to Mathura. On November 03, 2020, he was produced in the Mathura sessions court and sent to judicial custody for 14 days in temporary jail in Mathura because he tested covid-19 positive.

The FIR alleged that Mr. Faisal and his colleague came to the temple of Nand Baba in Mathura, did Namaz without permission, and made a video of the Namaz. The video of Namaz went viral on social media, due to which the feelings of Hindus are hurt.

We believe that this is a completely fake and fabricated case of political vendetta by the UP police against Mr. Khan and the other members of Khudai Khidmatgar. Firstly their yatra or pilgrimage was itself an 84 kos parikrama of Govardhan which is a celebration of Lord Krishna. A pilgrimage made to celebrate Lord Krishna and the message of interfaith harmony and peace. It is clearly seen from the video that Mr. Khan and the temple priests are talking cordially and they are being invited to eat food there.

An official statement by Khudai Khidmatgar has said that the Namaz was offered by Mr. Khan and his associated after taking permission. “That was the time of his afternoon prayers, so he asked for a suitable place. The people who were there in the temple allowed him to offer prayers in the temple compound itself by saying that

you are already in the home of God so why you need to go anywhere else. Hearing it, Mr. Khan completed his prayers." In such circumstances it's unbelievable that Mr. Faisal and his associates have any malafide intention of offending anyone.

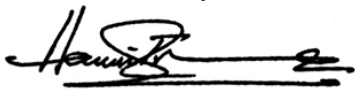
This also clearly indicates that his act of offering prayers was not to stir any controversy or to hurt any feelings, as has been made out by the First Information Report (FIR) on the basis of which he and three of his associates were subsequently arrested.

Appeal:

We would like to express our grave concern about the abuse of power by the police officials of Barsana police station to arrest Mr. Faisal Khan and other Khudai Khidmatgar associates. We therefore urge you to immediately take necessary steps and:

- Direct NHRC's investigation wing to initiate a detailed immediate, fair, and transparent inquiry against the arrest of Mr. Faisal Khan and his colleagues by the police personnel of Mathura Police, Mathura, UP. The said investigation should also enquire into the UP Police adhering to inter-state arrests procedures.
- Direct the District Magistrate of Mathura to provide compensation to Mr. Faisal Khan and his colleagues for the mental and physical suffering they have gone through due to the illegal actions of the Mathura police station, Mathura.

Yours sincerely,

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

(Henri Tiphagne)
National Working Secretary