

URGENT ACTION

CRACKDOWN ON DISSENT CONTINUES DURING COVID-19

Activists Gautam Navlakha and Anand Teltumbde were arrested by the National Investigative Agency (NIA) on 14 April 2020, and charged under various provisions of the Indian Penal Code along with the Unlawful Activities (Prevention) Act (UAPA) for their involvement in the 2018 Bhima Koregaon riots. These arrests appear to be politically motivated and relate to the massive crackdown on human rights defenders in 2018, when nine other prominent activists were arrested in the same case.

Mr Amit Shah,
Union Home Minister of India
Ministry of Home Affairs
North Block
New Delhi - 110001
India
Email: jscpg-mha@nic.in

Dear Union Home Minister

I write to express my deep concern over the recent arrest of **Anand Teltumbde** and **Gautam Navlakha** by the National Investigative Agency on 14 April 2020. These brave activists have been targeted for their work with some of India's most vulnerable people, like Adivasis and Dalits. I am concerned that these arrests are politically motivated and that the crackdown has targeted many organisations and individuals seeking accountability and engaging in human rights advocacy.

It is worrying to see that the series of brutal crackdowns on human rights defenders and activists in the country continue. Specifically relating to the arrests of nine other prominent activists— **Sudha Bharadwaj, Shoma Sen, Surendra Gadling, Mahesh Raut, Arun Ferreira, Sudhir Dhawale, Rona Wilson, Vernon Gonsalves and Varavara Rao** for their alleged involvement in the violence that erupted between Dalits and Hindu nationalists in January 2018 in Bhima Koregaon, Maharashtra.

Both Gautam Navlakha and Anand Teltumbde, who are more than 65 years old have underlying heart ailments. Currently held in NIA custody, they will be sent to India's overcrowded prisons during this Covid-19 pandemic, despite the United Nations High Commissioner for Human Rights urging all states to release "every person detained without sufficient legal basis, including political prisoners, and those detained for critical, dissenting views" on 3 April 2020.

I find it concerning that all 11 activists have been arrested under the Unlawful Activities (Prevention) Act (UAPA), an anti-terror law that Amnesty International has previously stated violates several international human rights standards and circumvents fair trial guarantees available under Indian criminal law.

I therefore urge you to ensure that:

1. **Anand Teltumbde, Gautam Navlakhale, Sudha Bharadwaj and other 8 activists are immediately and unconditionally released and that all charges against them are dropped. ,**
2. **All activists, human rights defenders, journalists, academics and members of the political opposition are able to peacefully exercise their rights to freedom of expression and freedom of association, and**
3. **Repeal or amend all laws – including the Unlawful Activities (Prevention) Act – which criminalize or impose arbitrary or sweeping restrictions on the human right to freedom of expression and bring them in line with international human rights standards.**

Yours sincerely

ADDITIONAL INFORMATION

Anand Teltumbde and Gautam Navlakha were charged under various provisions of the Indian Penal Code along with the Unlawful Activities (Prevention) Act (UAPA) for their involvement in the 2018 Bhima Koregaon riots. Their trial will now be held at a National Investigative Agency special court. With a poor conviction rate, the UAPA is routinely used against people for simply expressing dissenting opinions often without evidence that they incited or resorted to violence or assisted banned organisations, resulting in lengthy pre or under trial detention.

The UAPA has often been abused and used to detain people peacefully exercising their rights to freedom of expression and association. Parts of the UAPA do not meet international human rights standards and their application leads to human rights violations.

Following the arrests of Sudha Bharadwaj, Shoma Sen, Surendra Gadling, Mahesh Raut, Arun Ferreira, Sudhir Dhawale, Rona Wilson, Vernon Gonsalves and Varavara Rao in 2018, a smear campaign was launched against the activists. The government claims they are 'anti-nationals' working against the country. However, the opinion of communities, where the activists work, is entirely different. In these communities, they are hailed as brave activists, committed to the causes of the poorest and most marginalised communities in the country, like Dalits & Adivasis.

On 25 January 2020, the National Investigation Agency (NIA) took over the Bhima Koregaon investigations from the Maharashtra state police. This came after the new Maharashtra state government had raised several questions regarding the police investigations and had also asked for probe against police officials for the manner in which the investigation was conducted. The transfer of the case to the NIA is seen by many as part of the ongoing crackdown by the Narendra Modi government on human rights defenders in the country.

Hundreds of Dalits had gathered in Bhima Koregaon in Maharashtra on 1 January to commemorate a 200-year-old battle in which Dalit soldiers of the British army defeated the ruling Peshwas. Hindu nationalist groups and alleged supporters of the ruling Bharatiya Janata Party (BJP) objected to the celebration, calling it anti-national for celebrating a colonial victory. The organizers of the Dalit rally said they wanted to campaign against the pervasive ideology in India that leads to attacks on Dalits and Muslims.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English and Hindi]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 1 June 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Anand Teltumbde (he/him), Gautam Navlakha (he/him), Sudha Bharadwaj (she/her), Shoma Sen (she/her), Surendra Gadling (he/him), Mahesh Raut (he/him), Arun Ferreira (he/him), Sudhir Dhawale (he/him), Rona Wilson (he/him), Vernon Gonsalves (he/him) and Varavara Rao (he/him).