

URGENT ACTION

PROTESTORS ARRESTED FOR OPPOSING BIGOTED LAW

Meeran Haider, Shifa-Ur-Rehman and Safoora Zargar, who is three months pregnant, have been arrested for peacefully protesting the Citizenship Amendment Act (CAA), a law that legitimises discrimination on the basis of religion and stands in clear violation of the Constitution of India and international human rights law. Detained under the repressive Unlawful Activities Prevention Act (UAPA), the three can be held without charge for up to 180 days or even more, a duration far exceeding international standards. With no provisions for adequate pre-trial safeguards against torture and other ill-treatment contained in the UAPA, as well as the imminent threat of a COVID-19 outbreak in the prison, there are grave concerns for the wellbeing of the three activists.

Mr Amit Shah

Union Home Minister of India

Ministry of Home Affairs

North Block

New Delhi- 110001

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Dear Union Home Minister,

I write to express my deep concern about the arrest of peaceful protestors **Safoora Zargar**, who is three months pregnant, **Meeran Haider** and **Shifa-Ur-Rehman**. Currently detained in Tihar Jail, one of the most overcrowded prisons in India, the three are accused of violating the repressive Unlawful Activities (Prevention) Act (UAPA) for the peaceful expression of their right to freedom of expression.

I find it distressing to learn that the Indian Government has routinely used repressive laws, such as the UAPA, to undermine human rights and stifle dissent. These laws are mere tools of harassment that authorities use to intimidate and imprison those who are critical of the government. The slow investigative processes and extremely stringent bail provisions under these laws ensure that those who dare to speak out, such as human rights defenders, lawyers and journalists, face many years behind bars.

Safoora, Meeran and Shifa-Ur-Rahman were involved in protests against the Citizenship (Amendment) Act (CAA) in February 2020, a law that legitimises discrimination on the basis of religion and stands in clear violation of the Constitution of India and international human rights law. As I am sure you are aware, the UN High Commissioner for Human Rights, the European Parliament, the US Commission on International Religious Freedom (USCIRF), and various US senators have raised serious concerns about the CAA.

It is concerning to think that, despite prison inmates testing positive for the COVID-19 at a central prison in Indore and a district prison in Karnataka, the government continues to use repressive laws to detain peaceful activists and further putting their lives at grave risk.

I therefore urge you to ensure that:

- **Review the cases of pre-trial detention and immediately release Safoora Zargar, Meeran Haider and Shifa-Ur-Rehman who have been arrested under a repressive law for exercising their right to freedom of expression,**
- **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 Indian legislation in line with international human rights law and standards**

Yours sincerely,

ADDITIONAL INFORMATION

Safoora Zargar, a research student from Jamia Millia University, **Meeran Haider**, a member of the Jamia Coordination Committee (JCC) and **Shifa-Ur-Rehman**, the President of the Jamia Millia Islamia Alumni Association are accused of being 'key conspirators' in the February 2020 Delhi riots. They were arrested by the Delhi Police on 10 April, 2 April and 24 April respectively and subsequently booked under the Unlawful Activities (Prevention) Act (UAPA).

Safoora's pregnancy is a mitigating factor against her continued detention under UAPA, particularly amidst the COVID-19 pandemic. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, also known as the Bangkok Rules, recommend that while deciding on pre-trial measures, non-custodial alternatives should be preferred for pregnant women where possible and appropriate.

On 22 February, several peaceful protesters occupied a portion of the road near the Jaffrabad Metro station in north-eastern part of New Delhi to protest against the Citizenship (Amendment) Act. A day later, Kapil Mishra - a Bharatiya Janata Party (BJP) leader - made provocative speeches and gave Delhi police a three-day ultimatum to remove the protesters. Shortly after Mishra's speech, riots broke out and attacks by a Hindu mob on Muslims resulted in at least 50 deaths.

During the riots, verified videos of police officers pelting stones and beating young Muslims surfaced. In one such video, the police officers forced the men to sing the national anthem as they begged the police officers to stop. One of the men later died of the injuries.

While peaceful protesters face arbitrary detention under draconian laws, the allegations of excessive force against protesters during the CAA protests and subsequent riots which resulted in a number of deaths, as also pointed out in the communication by Special Rapporteurs dated 28 February 2020 to the Government of India, remain to be investigated.

The Citizenship (Amendment) Act, enacted in December 2019, legitimises discrimination on the basis of religion and stands in clear violation of the Constitution of India and international human rights law. The Act while inclusionary in its stated objective, is exclusionary in its structure and intent. It amends the Citizenship Act of 1955 to enable irregular migrants to acquire Indian citizenship through naturalisation and registration. However, it restricts the eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014. The Act also reduces the requirement of residence in India for citizenship by naturalisation from 11 years to 5 years for these particular communities.

The CAA stands in violation of the right to equality before the law and right to non-discrimination as guaranteed under the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, to which India is a state party.

The Unlawful Activities (Prevention) Act (UAPA) is routinely used by the government to bypass human rights and stifle dissent. In 2018, the conviction rate under UAPA was 27% while 93% of the cases remained pending in the court. It is a mere tool of harassment that the government uses to harass, intimidate and imprison those who are critical of the government. The slow investigative processes and extremely stringent bail provisions under UAPA ensure that they are locked up for years altogether, creating a convenient setting for unlawful detention and torture.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English/Hindi]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 16 June 2020

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

NAME AND PREFERRED PRONOUN: Safoora Zargar (She/Her), Meeran Haider (He/Him), Shifa-Ur-Rehman (He/Him)