



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/01/09/2020

September 1, 2020

To,
Mr. Debindra Kundra,
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: Misuse of law and non-compliance with mandatory procedures to falsely implicate HRD Mr. Zakir Ali Tyagi

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 midnight abduction, illegal detention and arrest of HRD Mr. Zakir Ali Tyagi in a malafide case of his alleged involvement in cow slaughter at Aminabad (Bada Gaon), Kila Parikshit Garh, Meerut, Uttar Pradesh. HRDA would like to state that the charges against Mr. Zakir Ali Tyagi are fabricated and there have been grave breaches of law in his detention and arrest.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with the HRD's family
- Media Reports

Date of Incident:

August 25, 2020

Place of Incident:

Village Aminabad (Bada Gaon), Kila Parikshit Garh, District Meerut, Uttar Pradesh

The Perpetrators:

- Mr. Mithun Dikshit, Station House Officer, Kila Parikshit Garh Police Station, Meerut
- Mr. Mahesh Singh Rana, Sub Inspector, Kila Parikshit Garh Police Station, Meerut
- Police Personnel of Kila Parikshit Garh Police Station, Meerut

About the Human Rights Defender:

Mr. Zakir Ali Tyagi (22) is a social activist associated with several social organisations and has been a part of several human rights fact-finding teams in Uttar Pradesh. He has also been involved in peaceful anti-CAA protests. In 2017, NSA was filed on Mr. Tyagi regarding his Facebook post, critical of the UP Chief Minister. Subsequently, he spent 42 days in jail and is currently out on bail.

Background of the incident:

Mr. Mithun Dikshit, the SHO of Parikshit Garh police station, was informed through a phone call by control room in Lucknow that the remains of some dead cows were lying in the forest of Aminabad village (Bada Gaon) Parikshit Garh. The SHO directed Sub-Inspector Mr. Mahesh Singh Rana to investigate the case. SI Mr. Rana went to the Aminabad forest and found remains of a cow from the sugarcane fields of a farmer, Mr. Vipin. These remains were sent for forensic examination and an FIR was lodged against unknown people under Uttar Pradesh Prevention of cow Slaughter Act-1955, Section 5 (*Prohibition on sale of beef*) and Section 8 - Penalty (1) (*Whoever contravenes or abets the contravention of the provisions of Section 3, Section 5 or Section 5-A shall be punished with rigorous imprisonment for a term which may extend to seven years and with fine which may extend to ten thousand rupees*).

Details of the incident:

On the midnight of August 25, 2020, 15-20 policemen reached Mr. Zakir Ali Tyagi's village Aminabad (Bada Gaon), Kila Parikshit Garh in Meerut and entered his home without permission or any prior notice. The policemen from Kila Parikshit Garh police station in Meerut, came in 2-3 police jeeps, and some were without uniform or official badges. Three non-uniformed policemen had covered their faces with black masks. They started to misbehave with Mr. Tyagi's mother and sister-in-law. When Mr. Tyagi angrily asked the police why had they entered his house without permission, the policeman replied that they had come to take him. They took him without any detention or arrest procedures and when some villagers opposed this, the police threatened them.

In the morning of August 26, 2020, some respected people of the village went to Kila Parikshit Garh police station and asked about Mr. Tyagi, but the constable told them to come later because "*Inspector Sahab is sleeping right now*". However, the villagers were unofficially told by a policeman that Mr. Tyagi is alleged to be involved in the Shaheen Bagh anti-CAA protests and thus won't be released. Around 11:15 am, Mr. Tyagi's family received a phone call from the Kila Parikshit Garh police station that he was being sent to jail for being involved in cow slaughter and that they can come and meet him. Mr. Tyagi had been detained at the police station all night and his family alleges that he was abused and beaten up.

We believe that Mr. Tyagi is a human rights defender and this is a completely fabricated case by the police to target him for questioning government policies and taking part in the peaceful protests. There is no reason to associate Mr. Tyagi with slaughtering the cow. The carcass of the cow was not found in his fields or near his house, nor was Mr. Tyagi's name mentioned in the original FIR. According to the information available, the farmer on whose land the remains were found also told the police that Mr. Tyagi is innocent. There is also no evidence that Mr. Tyagi had any connection with the incident in any form. Mr. Tyagi's detention and arrest from his home at midnight, by non-uniformed policemen without badges and in black masks and non-production of any document, flouted all laws and procedures on arrest mentioned in the CrPC, DK Basu and NHRC guidelines and raises serious questions.

Appeal:

We would like to express our grave concern about the abuse of power by the police officials of Kila Parikshit Garh police station, Meerut, regarding the illegal midnight raid, abduction of a citizen, illegal detention and custodial torture of the HRD Mr. Zakir Ali Tyagi. 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 illegal midnight raid, illegal abduction, illegal detention and arrest, torture of Mr. Zakir Ali Tyagi by the police personnel of Kila Parikshit Garh police station, Meerut.
- Direct the Senior Superintendent of Police of Meerut to submit with the NHRC all mandatory documents of arrest and the CCTV footages, vehicle log records, wireless records, duty records and other necessary records pertaining to the Kila Parikshit Garh police station, Meerut for the date and duration of the incident.
- Following the independent inquiry, direct for immediate and stringent legal actions against all police personnel involved in the illegal midnight raid, abduction of a citizen, illegal detention, and custodial torture.
- Direct the Senior Superintendent of Police of Meerut to ensure that Mr. Zakir Ali Tyagi is not targeted, and steps are taken to put an end to the fabricated case against him.
- Direct the District Magistrate of Meerut to provide compensation to Mr. Zakir Ali Tyagi for the mental and physical suffering he has gone through due to the illegal actions of the Kila Parikshit Garh police station, Meerut.
- The lawless behaviour of the police in Uttar Pradesh against HRDs and citizens is not restricted to this single instance, but has been seen in many instances. Thus we appeal to the Hon'ble Commission to direct the Director General of Police of Uttar Pradesh to mandatorily conduct trainings on law and duty for all police personnel and report the update on the same to the Hon'ble Commission within 3 months.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary