



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 10, 2020

To

Mr. CS Mawri,

National 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 – Delhi: Misuse of law and non-compliance with mandatory procedures to harass and falsely implicate PhD scholar Mr. Sharjeel Imam who was infected with COVID-19 in jail

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 over the arrest of Mr. Sharjeel Imam in FIR 59/2020 of Delhi Police's Special Cell related to violence on February 23-26, 2020 in Northeast Delhi. When violence erupted in Delhi, he had already spent close to a month in judicial custody after his arrest in January 2020 and we fear that current arrest is nothing but an act of reprisal for his vocal criticism of the amended citizenship law. We are also concerned of his health given his arrest and transfer to Delhi prison during the current pandemic and rising numbers in Delhi. He was tested positive for COVID-19 in Guwahati prison on July 21,2020, however, within 10 days he was declared negative through a rapid test which is not reliable.

About the Human Rights Defender:

Mr. Sharjeel Imam (32) is a social activist and a PhD student at the Jawaharlal Nehru University (JNU). He has graduated from the Indian Institute of Technology (IIT) Mumbai, and has been actively involved in the students protest against the CAA and NRC.

Source of the Information:

HRDA Regional Coordinator

Media Reports

The Perpetrators:

Personnel of Crime Branch, Delhi Police

Date of Incident:

August 25, 2020 and ongoing

Place of Incident:

New Delhi

Background:

Mr. Sharjeel Imam (32) was arrested from his hometown Kako in Bihar's Jehanabad district on January 28, 2020, on charges of sedition for a speech he delivered at the Aligarh Muslim University (AMU) on January 16, 2020, during the students protest against the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC). Mr. Imam was booked in five states namely Assam, Arunachal Pradesh, Delhi, Manipur and Uttar Pradesh. The charges across the five states are similar but not identical. Mr. Imam was lodged in the Guwahati Central Jail (Assam) from February 18 till August 22, 2020. On July 21, 2020, he tested positive for COVID-19, but on August 01, 2020, the prison authorities declared him negative through a rapid antigen test.

Details of the Incident:

On August 23, 2020, Mr. Imam was brought to Delhi from the Assam Central Jail on a production warrant and was arrested by the Special Cell of Delhi Police on August 25, 2020, for allegedly being part of a "premeditated conspiracy" in connection with the violence in Delhi during protests against the CAA. He was arrested in FIR 59/2020 of the Special Cell police station and charged under the Unlawful Activities Prevention

Act (UAPA) and other stringent IPC provisions. This is the same FIR which has been used to arrest several other students and HRDs in Delhi.

The FIR did not name Mr. Imam specifically. Mr. Imam has been arrested in FIR 59/2020 on the alleged pretext of giving inflammatory speeches at anti-CAA protests leading to the riots in North-East Delhi. However, it is brought to the notice of the Hon'ble Commission that Mr. Imam has been jailed since January 28, 2020, and thus was not even present in Delhi in the month preceding the violence that took place on February 23-26, 2020 in Northeast Delhi. It is unreasonable and illogical to presume that the riots got triggered after one month of Mr. Imam's speech.

After his recent arrest in FIR 59/2020, he was initially remanded to a four days police custody which was extended by another three days on August 31, 2020, by the Additional Sessions Judge Amitabh Rawat and later order one month's judicial custody. It is to be noted that the Delhi police called up to his brother Mr. Muzammil Sharjeel as soon as they arrived in Delhi and informed through phone that Mr. Sharjeel had been arrested. No arrest warrant, or FIR copy or notice was given to his family or his lawyers, no documents was provided to them, which make it obvious that no lawful arrest procedures under the CrPc, DK Basu and NHRC guidelines were followed while arresting him.

In the last 8 months, Mr. Imam has been brutally and inhumanely taken from one jail to another under terrible conditions, for one speech which is purported to be 'seditious' in nature. While the apex court has given clear directions to de-congest the prisons amid the widespread of COVID-19 and ensure arrests take place only in the cases where it is absolutely necessary, Mr. Imam has been inhumanely made to travel from one state to another during the pandemic, with a shattered physical and mental health.

Appeal:

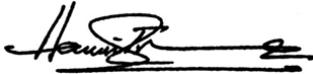
We appeal to the NHRC to treat this as a case of reprisal against a human rights defender for exercising his fundamental rights guaranteed through Article 19 of the Indian Constitution and malafide actions by the Delhi Police significantly impinging upon his to right to life with dignity. Thereby, we urge the NHRC to urgently to –

- Issue notice to the Commissioner of Police of Delhi to produce **within 48 hours** all relevant documents pertaining to the arrest of Mr. Sharjeel Imam for an independent examination by the NHRC.

- Direct the Commissioner of Police of Delhi to take steps to consider releasing Mr. Sharjeel Imam in accordance with the Supreme Court's guidelines of decongestion of prisons, due to his delicate health and increased risk of post COVID infection.
- Direct the Prison Monitor of the NHRC to undertake a visit and analyse the condition of detention in Delhi's prisons.

Looking forward to your immediate action in this regard,

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary