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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Al Baraem Association for Charitable Work, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



India: Ongoing targeting of 18 human rights defenders under anti-terror laws in reprisal for their protest against the Citizenship (Amendment) Act 2019

The CAA has been widely criticized by activists, human rights defenders, civil society organizations, students and the international community for being openly sectarian and discriminatory against Muslims. After the CAA's adoption, protesters across the country took the street to voice their concerns against the legislation, which goes against India's Constitutional principles of secularism and equality. Police authorities responded by arresting human rights defenders and activists who spoke up against the CAA. Most of them were student activists and human rights defenders from the minority Muslim community.

The arrests of human rights defenders began in February 2020 and are still ongoing. Many of them had multiple First Information Reports (FIR) registered against them and were charged with serious offenses, including under UAPA. Of those arrested, only five human rights defenders Natasha Narwal, Devangana Kalita, Safoora Zargar, Asif Iqbal Tanha, and Md. Faizan Khan were released on bail. Thirteen others Sharjeel Imam, Umar Khalid, Khalid Saifi, Tahir Hussain, Saleem Malik, Mohd. Saleem Khan, Meeran Haider, Shadab Ahmed, Tasleem Ahmed, Shifa Ur Rehman, Athar Khan, and women human rights defenders Ishrat Jahan and Gulfisha Fatima remain in jail.

Despite prolonged incarceration, the trial for their case has not commenced yet.

On 24 January 2022, a Delhi court framed charges against human rights defender Sharjeel Imam while rejecting his application for bail. The charges include Sections 124A ("sedition"), 153A ("promoting enmity between different groups on grounds of religion"), 153B ("imputations, assertions prejudicial to national integration"), 505 ("statements conducing to public mischief"), along with Section 13 ("punishment for unlawful activities") of the UAPA.

Khalid Saifi, Ishrat Jahan, and Gulfisha Fatima have reported custodial violence and torture by the Delhi police. There has been no effective investigations into these allegations or responsibility taken for their treatment. Shifa Ur Rehman, who has been in detention since 26 April 2020, suffers from severe kidney disease and has been denied access to adequate medical care in prison.

We express our deep concern over the harassment and arbitrary detention of human rights defenders that appear to be in retaliation to their peaceful activism and the legitimate expression of dissent against a discriminatory law. Despite the risks, human rights defenders have raised their voice for those oppressed by the CAA and in support of the Constitutional values that represent India.

We request this council to call on the Indian authorities to protect those defending human rights values and principles enshrined in national laws and to uphold international human rights commitments. We stand in solidarity with those who cannot speak out due to their incarceration, threats by Indian authorities, or due to a prevailing sense of fear. The treatment of these human rights defenders highlights a pattern of perpetrated abuse and violence, which is also exerted through legal mechanisms. This is especially concerning given India's membership in the United Nations Human Rights Council and its pledge to preserve and protect human rights.

We request Human Rights Council to urge India to:

1. Immediately and unconditionally release all human rights defenders arrested for protesting against the CAA, dismiss all charges, and cease all forms of harassment against them.
2. Guarantee under all circumstances that the arrested human rights defenders are not subjected to any form of torture and other ill-treatment while in police custody, and guarantee their access to adequate medical care and treatment.
3. Initiate a thorough judicial review of the Unlawful Activities (Prevention) Act and the Citizenship (Amendment) Act in genuine consultation with

independent civil society organizations and human rights defenders, with a view to aligning these laws with India's obligations under international human rights law.

4. Guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions including police and judicial harassment.

European Institution for Economic, Political and Social Research, NGO(s) without consultative status, also share the views expressed in this statement.