



# General Assembly

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## Human Rights Council

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Agenda item 3

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

## **Written statement\* submitted by World Organisation Against Torture, 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.

[6 February 2023]

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\* Issued as received, in the language of submission only.



## **India: Continued Repression Of Human Rights Defenders Must End**

The undersigned organisations wish to draw the Human Rights Council's attention to the deteriorating situation for human rights defenders (HRDs) in India.

Attacks and reprisals on HRDs continued to rise in India in 2022, despite ongoing advocacy from local and international rights groups. HRDs have been especially vulnerable to disproportionate use of force, arbitrary detention and arrest under fabricated charges, and co-ordinated hate campaigns and violence.

### **Reprisals on religious and minority rights defenders**

Religious and minority rights defenders continued to face escalating repression and persecution in India.

In June 2022, in Uttar Pradesh, homes of several Muslims including Muslim HRD Ms. Afreen Fatima razed down with bulldozers, allegedly because they were encroachers or named in police cases for organising protests. Police officers also arrested Afreen Fatima's father. Afreen Fatima is a woman human rights defender who has been vocal against the discriminatory Citizenship (Amendment) Act (CAA) 2019.[1]

Moreover, 12 out of 18 HRDs being prosecuted in retaliation for their role, leading and participating in the 2019 and 2020 protests over the CAA 2019[2] that took place in Delhi in 2020 continue to remain in Delhi prisons without trial.[3]

In September 2022, Indian government banned the National Confederation of Human Rights Organisations (NCHRO) for its alleged link with the Popular Front of India (PFI) under India's anti-terror legislation the Unlawful Activities Prevention Act (UAPA). NCHRO had organised campaigns against discriminatory and draconian legislations, and published fact-finding reports on arbitrary arrests and custodial torture.[4]

Incidents of assault and baton-charge by police on peaceful protests against the hijab ban, evictions using bulldozer and other discriminatory policies were reported from other parts of the country through the year.[5] Students who challenged the Karnataka government's hijab ban in court were also subjected to intimidation, harassment, and assault, by members of the right-wing groups.[6]

Mr. GN Saibaba, a former Delhi University professor who was convicted with life imprisonment in March 2017 under the UAPA and sedition charges, was subjected to inhuman treatment by jail authorities in Nagpur.[7] Saibaba has been a vocal advocate against State atrocities on tribal communities in Central India. On October 14, 2022, the Bombay High Court discharged him because of procedural lapses in his trial.[8] However, in an unprecedented turn of events, within 24 hours and on a Saturday (non-working day), a special bench of the Supreme Court was constituted and stayed the discharge order of the Bombay High Court.[9]

### **Silencing the journalists**

According to the World Press Freedom Index published by Reporters Without Borders, India was ranked 150 among 180 countries in 2022, lower than the country's ranking of 142 in 2021 and 2020.[10] Many prominent journalists who reported on human rights violations and criticised the government's policies were subjected to legal harassment by state agencies and online violence by Hindu Nationalist groups.

In February 2022, journalist Ms. Rana Ayyub's bank account and other assets were frozen in response to charges of money laundering filed by law enforcement agencies. In March 2022, she was stopped at Mumbai airport from travelling to London. She continued to face relentless misogynistic and sectarian attacks online.[11]

In October 2022, Kashmiri photojournalist Ms. Sanna Irshad Mattoo, who worked for the Reuters news agency, was stopped from travelling to New York to receive the 2022 Pulitzer Prize.[12] Mr. Mohammad Zubair, co-founder of Alt News, were arrested under multiple fabricated cases, for sharing a satirical tweet.[13] Mr Siddique Kappan was released on bail on February 2, 2023, after 28 months in jail without trial.[14] Mr Fahad Shah continues to be detained since February 4, 2022, in Indian Administered Jammu and Kashmir.[15]

Journalist Mr. Jiten Jaiswal was arrested in Chhattisgarh's Surguja district in April 2022, allegedly for extortion.[16] He reported extensively on crime, illegal mining, land grab, and corruption and was editor of a Hindi portal Bharat Samman. He was abducted by police from his home and brutally tortured in custody.

In Jharkhand, journalist Mr. Rupesh Kumar Singh, was charged under the UAPA in July 2022, and subjected to harassment in custody thereafter, including solitary confinement for a few weeks. Singh's reports about fabricated cases, violence and assault on indigenous communities in eastern India by anti-insurgency forces appeared in many portals.[17] He continues to be in detention in Saraikela prison in Jharkhand.

Media organisations that were critical of the government were also subjected to reprisals. In October 2022, a complaint was registered against The Wire for cheating, forgery, and publishing 'fake stories' against Meta and Instagram, based on a complaint by BJP IT Cell chief. Days later, police raided the office and residences of senior editors and functionaries of the news portal in Delhi and Mumbai, and seized electronic devices.[18]

## **Harassment of land and environment rights defenders**

Those who protested against proposed and ongoing land projects across the country faced severe reprisals.

In Kerala, on November 27, 2022, police assaulted fisherfolk protesting against an ongoing Adani port project in Vizhinjam, and registered complaints against organisers and over 3,000 participants. Prominent organisers and well-known environmentalists were subjected to smear campaigns in local media, and pressure was mounted on community leaders to end the protest.[19]

In Odisha, at the site of a proposed steel plant by the Jindal group, protesting villagers and fisherfolk were evicted from their farmlands and houses. Hundreds were named in over 70 complaints registered by police, and scores were arrested in flagrant violation of due procedures. Mr. Debendra Swain, a key organiser, was tortured brutally in custody. He and several other leaders of the resistance movement continue to remain in jail as of February 2023.[20]

In Chhattisgarh, Adivasi villagers protesting against illegal mining in hills they considered sacred were subjected to intimidation, assault, illegal detention, and custodial torture. Key organisers were booked under fabricated charges and harassed by police on the pretext of interrogation.[21]

## **Judicial harassment of human rights defenders**

HRDs in India continue to be increasingly labelled as terrorists or seditious, criminalized, and incarcerated in retaliation for their work.

In the Bhima Koregaon case,[22] out of the 16 HRDs arrested since June 2018, Mr. Anand Teltumbde was granted bail by the Bombay High Court on November 18, 2022.[23] He spent 32 months in detention without trial. This is the first instance of a regular bail in the Bhima Koregaon case - meaning bail based on merits. Mr. Varavara Rao[24] and Ms. Sudha Bharadwaj[25], were granted bail with stringent conditions in 2021 and Mr. Gautam Navlakha[26] was granted house arrest on medical grounds by the Supreme Court on November 10, 2022. Fr. Stan Swamy, 84-year-old Jesuit priest, died in custody on July 5, 2021, no independent inquiry has been initiated to investigate his death. Independent forensic examination of his electronic device has confirmed that his device was hacked for over five

years and incriminating materials were maliciously planted.[27] The trial in the Bhima Koregaon case is yet to commence.

Since November 2021, Kashmiri HRD Mr. Khurram Parvez remains incarcerated in a Delhi prison without trial.[28] Indian authorities have repeatedly targeted Parvez for his human rights work in an attempt to silence him and intimidate others. In 2016, authorities barred him from travelling to Switzerland to attend the UN Human Rights Council session, and then jailed him for 76 days under the PSA.

On June 25, 2022, officials of the Anti-Terrorist Squad (ATS) of the Gujarat police entered Ms. Teesta Setalvad's house in Mumbai and arbitrarily detained her without a warrant, in retaliation to her legal actions seeking truth, justice, and reparation for the victims of the 2002 Gujarat communal riots.[29] Setalvad's arrest was triggered after the Supreme Court dismissed a petition filed by victims of Gujarat Riots of 2002. Setalvad was granted bail in early September 2022, after a later intervention of the Supreme Court.[30]

## **Recommendations:**

We urge the Human Rights Council to call on the Government of India to:

- Immediately put an end to all acts of harassment against HRDs and dissenting voices and ensure that they are able to carry out their legitimate activities without any hindrance and fear of reprisals in all circumstances.
- Release all arbitrarily detained HRDs, detained solely for expressing critical or dissenting views.
- Ensure the physical integrity and psychological well-being of HRDs in custody.
- Consider reviewing the situation of HRDs subjected to prolonged pre-trial arbitrary detention under the anti-terrorism legislation UAPA.
- Ensure in all circumstances respect of all international human rights standards.

We further call on UN Member states, through their missions in India, to actively monitor the condition of detained human rights defenders.

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Human Rights Defenders Alert - India, NGO(s) without consultative status, also share the views expressed in this statement.

[1] <https://www.omct.org/en/resources/urgent-interventions/india-arbitrary-detention-and-criminalisation-of-afreen-fatima-s-father>

[2] <https://news.un.org/en/story/2019/12/1053511>

[3] <https://indianexpress.com/article/opinion/columns/three-years-since-anti-kaa-protests-law-and-lawlessness-8394755/>

[4] <https://indianexpress.com/article/political-pulse/pfi-ban-these-affiliate-organisations-also-declared-unlawful-8177863/>

[5] <https://www.indiatoday.in/india/story/hijab-row-police-lathi-charge-protesting-women-in-ghaziabad-video-goes-viral-1913883-2022-02-16>; <https://www.thestatesman.com/india/hijab-row-turns-violent-ktaka-stone-pelting-lathi-charge-incidents-reported-1503044517.html>; <https://news.abplive.com/news/ghaziabad-hijab-protest-video-of-cops-hitting-women-emerges-1513463>

[6] <https://www.himalmag.com/the-impact-of-karnatakas-hijab-ban-2022/>

[7] <https://hrdaindia.org/grave-concern-over-disabled-activist-gn-saibabas-inhumane-treatment-by-the-prison-authorities>

[8] <https://www.livelaw.in/top-stories/uapa-trial-without-sanction-is-void-procedural-safeguards-cant-be-sacrificed-bombay-high-court-while-acquitting-gn-sai-baba-211660>

[9] <https://www.livelaw.in/top-stories/prof-gn-saibaba-delhi-uni-supreme-court-bombay-hc-acquittal-suspended-uapa-sanction-211735>

- [10] <https://rsf.org/en/index?year=2022>
- [11] <https://www.ohchr.org/en/press-releases/2022/02/india-attacks-against-woman-journalist-rana-ayyub-must-stop-un-experts>
- [12] <https://scroll.in/latest/1035467/closely-tracking-says-us-after-india-bars-kashmiri-journalist-sanna-irshad-mattoo-from-flying>
- [13] <https://www.omct.org/en/resources/urgent-interventions/india-arbitrary-detention-of-journalist-and-rights-defender-mohammad-zubair>
- [14] <https://www.aljazeera.com/news/2023/2/2/siddique-kappan-india-journalist-walks-out-of-jail-after-2-years>
- [15] <https://maktoobmedia.com/2023/02/03/kashmiri-journalist-fahad-shah-completes-one-year-in-jail/>
- [16] <https://theprint.in/india/chhattisgarh-scribe-held-for-extortion-six-cases-filed-against-him/915356/>
- [17] <https://article-14.com/post/another-strike-against-the-free-press-why-a-journalist-who-stood-with-advocates-was-arrested-62f1c669d732c>
- [18] <https://www.omct.org/en/resources/urgent-interventions/india-independent-journalists-and-media-outlet-the-wire-targeted>
- [19] <https://www.theweek.in/news/india/2022/11/28/adani-port-protest-over-3000-booked-for-attack-on-police-station-in-vizhinjam.html>
- [20] <https://www.omct.org/en/resources/statements/india-land-rights-defenders-under-attack-in-odisha-state>
- [21] <https://article-14.com/post/in-chhattisgarh-advocates-allege-state-coercion-demand-lawful-mining-at-one-of-india-s-richest-iron-ore-mines-638d843756fb8>
- [22] The case relates to caste-based violence that took place in Bhima Koregaon, in the state of Maharashtra on 1 January 2018.
- [23] <https://www.livewlaw.in/news-updates/bombay-high-court-anand-teltumbde-bail-uapa-bhima-koregaon-elgaar-parishad-case-214496>
- [24] <https://indianexpress.com/article/india/supreme-court-bail-varavara-rao-bhima-koregaon-8081827/>
- [25] <https://scroll.in/article/1011878/bhima-koregaon-case-how-lawyer-sudha-bharadwaj-got-bail-after-three-years-in-jail>
- [26] <https://www.livewlaw.in/top-stories/supreme-court-allows-transfer-of-bhima-koregaon-accused-gautam-navlakha-to-house-arrest-for-one-month-imposes-conditions-213754>
- [27] <https://www.washingtonpost.com/world/2022/12/13/stan-swamy-hacked-bhima-koregaon/>
- [28] <https://www.ohchr.org/en/press-releases/2022/11/one-year-detention-un-experts-demand-immediate-release-kashmiri-activist>; <https://www.omct.org/en/resources/statements/india-rights-organisations-call-for-the-release-of-kashmiri-rights-defender-khurram-parvez-on-his-first-anniversary-of-detention>
- [29] <https://www.omct.org/en/resources/urgent-interventions/india-ongoing-arbitrary-detention-of-prominent-woman-rights-defender-teesta-setalvad>
- [30] <https://www.thehindu.com/news/national/supreme-court-grants-interim-bail-to-teesta-setalvad/article65840408.ece>