

Statement

We unequivocally condemn the continued and inhumane incarceration of political prisoners in India. Even in the midst of the COVID-19 pandemic, the government of India, led by Prime Minister Narendra Modi and Home Minister Amit Shah, has launched a campaign of retribution against activists who have expressed their dissent peacefully against the discriminatory, illegal, and inhumane actions of this government.

The Government of India has weaponised draconian laws like the Unlawful Activities (Prevention) Act (UAPA) and the National Security Act (NSA), among others, to arrest prominent activists, on the basis of little to no evidence. These laws are widely regarded as being over-broad and are freely used by Indian governments to circumvent fair trial standards.

One of the most egregious examples of the use of these laws has been seen in arresting the activists in the Elgaar Parishad/Bhima Koregaon case in Maharashtra in 2018. 11 activists- **Sudhir Dhawale, Rona Wilson, Shoma Sen, Mahesh Raut, Surendra Gadling, Sudha Bhardwaj, Arun Ferreira, Vernon Gonsalves, Varavara Rao, Gautam Navlakha, Anand Teltumbde**- have been imprisoned for their peaceful dissent under the UAPA, including their work on promoting Dalit and Adivasi rights. Even amidst the pandemic and health concerns, their bail applications have been rejected repeatedly. The health of the activists has deteriorated during incarceration, and urgent appeals of providing adequate healthcare have been ignored. Especially of grave concern is the deteriorating health condition of 79-year old poet Varavara Rao. After repeated appeals by civil society and after an inordinate delay, he was shifted to JJ Hospital on 13 July.

Since December 2019, the Delhi Police have arrested a number of student activists who protested the discriminatory and unconstitutional CAA, NRC, and NPR. The Delhi police, which is controlled by the government of India, have against all evidence to the contrary, accused some of these peaceful protestors of instigating and participating in the violent communal carnage that engulfed working-class settlements in Northeast Delhi in February 2020. Clear evidence showing the culpability of the leaders of the ruling Bharatiya Janata Party (BJP) in instigating many of the violent mobs has been ignored. The police have used the UAPA and the suspension of much judicial activity during the Covid-19 lockdown, to extend their custody.

Those arrested for protesting the CAA-NRC-NPR include students **Gulfisha Fatima, Natasha Narwal, Devangana Kalita, Khalid Saifi, Meeran Haider, Shifa ur Rehman, Sharjeel Imam, and Asif Iqbal**. Student leader **Sharjeel Usmani** was also arrested in Uttar Pradesh. **Dr. Kafeel Khan** and activist **Ishrat Jahan** were also arrested and are currently in prison. **Safoora Zargar** recently obtained bail on humanitarian grounds due to her pregnancy and was released on 24 June. A case under the UAPA was also registered against **Umar Khalid**, another student leader, who is currently out on bail.

Akhil Gogoi remains under arrest after being taken into custody following protests breaking out in the state of Assam. He was tested positive for COVID-19. Despite this, he continues to be incarcerated.

GN Saibaba, a disabled academic, who was convicted (again under the draconian UAPA), continues to suffer inhumane treatment in the Nagpur jail as his health concerns are ignored. This is especially terrifying in the context of the pandemic.

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All of them are prisoners of conscience and each of these arrests ignore the freedom of speech and expression, the liberty of thought and belief, and the dignity of the individual that are guaranteed in the Indian constitution. With these actions, the BJP-led Government has demonstrated that it will not tolerate any opposition to its ambition to build a Hindu nation where religious identity forms the basis for citizenship.

With COVID-19 spreading unchecked across the country, the deteriorating health conditions of the political prisoners, denial of bail applications, denial of healthcare, all point to a sinister design by the Government of India to unleash an inhumane campaign to deny any and all human rights to political prisoners.

We call upon the international community to immediately condemn:

- Violation of the constitutional rights of Indians to protest and the shrinking space for dissent in India,
- Attempts by the government of India to use the COVID-19 lockdown to stifle dissent and extract retribution from those opposed to its inhumane vision for Indian citizenship, and
- Attempts by the government of deny adequate healthcare to political prisoners in India

We demand that the government of India without any delay:

- **Release all political prisoners from custody and drop charges against them,**
- Announce an independent investigation into the anti-Muslim violence in Delhi in February 2020,
- Announce an inquiry into the human rights violations in Uttar Pradesh and other parts of India during the crackdown on protests against the CAA and the NRC
- Repeal the Citizenship Amendment Act, and
- Announce that the National Population Register and the National Register for Citizens will not be implemented

References

1. *Huffington Post*, "[Delhi Riots: Police Books Umar Khalid, Meeran Haider, Safoora Zargar Under UAPA](#)"
2. *BBC News*, "[India Coronavirus: Pregnant student Safoora Zargar at risk in jail](#)"
3. *Indian Express*, "[Pregnant Jamia student in jail for three weeks, family says believe in judiciary](#)"
4. *The Wire*, "[Delhi Police Re-Arrest Pinjra Tod Women Activists As Court Grants Them Bail](#)"
5. *The Print*, "[Minorities panel notice to Delhi Police for 'random' arrests of Muslims everyday for riots](#)"
6. *The Wire*, "[Activists Khalid Saifi, Ishrat Jahan's Custody Extended](#)"
7. *The Wire*, "[Amulya Leona Has Now Spent a Month in Jail for Saying 'Pakistan Zindabad'](#)"
8. *The Print*, "[Covid an excuse to push Indian Muslims out of informal sector jobs. Apartheid the next step](#)"
9. *India Today*, "[Ex-AMU student leader Sharjeel Usmani arrested for anti-CAA violence](#)"