

India: Activists Detained for Peaceful Dissent

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[LCE593719&SDGIndian](#) authorities on April 14, 2020 detained [LCE593719&SDG two rights activists](#) who have been critics of government policies, Human Rights Watch said today. The government should immediately drop all charges under a counterterrorism law [LCE593719&SDGagainst Anand Teltumbde and Gautam Navlakha](#) for allegedly inciting caste-based violence along with other activists during a demonstration in Maharashtra state in 2017.

“Indian authorities are using draconian counterterrorism laws against activists simply for criticizing the government or raising their voices against injustice,” said [LCE593719&SDGMeenakshi Ganguly](#), South Asia director at Human Rights Watch. “The authorities should immediately release Anand Teltumbde and Gautam Navlakha and the other activists wrongfully detained in the 2018 Bhima Koregaon case.”

The police allege that these activists support a Maoist insurgency and at a large public rally on December 31, 2017, they incited Dalits to violence, leading to clashes with supporters of the ruling Bharatiya Janata Party (BJP) the following day. One person died and several were injured. However, the charges filed by police cite [LCE593719&SDGflimsy evidence](#) and raise serious concerns that the [LCE593719&SDGinvestigations were politically motivated](#). Two retired judges, who say they were the “[LCE593719&SDGmain organizers and sole funders](#)” of the rally, have said that most of the [LCE593719&SDGactivists arrested in the case](#) had nothing to do with the event.

The authorities charged Teltumbde and Navlakha under India’s principal counterterrorism law, the Unlawful Activities (Prevention) Act. After the Supreme Court [LCE593719&SDGrejected their anticipatory bail pleas](#), the two men were ordered to surrender by April 14, 2020. Both have been openly critical of the government for failing to ensure social welfare and communal harmony. “In the name of the ‘nation,’ such draconian laws denude innocent people of their liberties,” Teltumbde [LCE593719&SDGwrote before he surrendered](#). “The jingoist nation and nationalism have got weaponized by the political class to destroy dissent and polarize people.”

[LCE593719&SDGNine other prominent activists](#) – Sudha Bharadwaj, Shoma Sen, Surendra Gadling, Mahesh Raut, Arun Ferreira, Sudhir Dhawale, Rona Wilson, Vernon Gonsalves, and Varavara Rao – have been detained since 2018 in the Bhima Koregaon case.

While Maharashtra authorities under the former BJP-led state government used the case to jail critics of the government, they did not pursue investigations in cases that [LCE593719&SDGimplicated Hindu nationalist leaders](#) for inciting the violence.

In October 2019, the social media company WhatsApp, owned by Facebook, informed [LCE593719&SDGTeltumbde](#) and at least one lawyer involved in the case that their [LCE593719&SDGphones were targeted by surveillance software](#). They were among [LCE593719&SDG121 users in India who were reportedly targeted](#) with spyware produced by NSO, an Israeli firm, including [LCE593719&SDGat least 22](#) activists, journalists, academics, and human rights lawyers. Although the Indian [LCE593719&SDGgovernment denied purchasing](#) the software, the [LCE593719&SDGNSO website says](#) its products are “used exclusively by government intelligence and law enforcement agencies.”

Indian police have increasingly detained people for dissent, and in several cases used sedition or counterterrorism laws against government critics and social activists, Human Rights Watch said.

Authorities in Uttar Pradesh state [LCE593719&SDGfiled a criminal case against Siddharth Varadarajan](#), a well-known journalist and a founding editor of the news website Wire, for publishing an article that made an “objectionable” comment against the state’s chief minister. State authorities have previously arrested journalists for criticizing the chief minister on social media. In June 2019, the Supreme Court, while [LCE593719&SDGordering the release of a journalist, Prashant Kanojia](#), had said: “A citizen’s right to liberty has been infringed.”

In December, police in Uttar Pradesh detained and allegedly beat activists involved in organizing protests against the new Citizenship Amendment Act and the [LCE593719&SDGproposed citizenship verification process](#) that could exclude millions of Indian Muslims. Sadaf Jafar, an activist associated with the opposition Congress party, was arrested on December 19 in Lucknow as she filmed the protest.

When Deepak Kabir, a theater artist and cultural activist, went to the police station to inquire about Jafar

he too was arrested. Kabir alleged that he was beaten by over a dozen policemen. While granting him bail on January 7, 2020, [LCE593719&SDGa local court found](#) that police had failed to provide evidence of his involvement in the violence during the protests and that his name was not included in the case filed initially but was added later.

In Assam state, the police [LCE593719&SDGarrested several activists](#), charging some of them with sedition and under the Unlawful Activities (Prevention) Act for protesting against the new citizenship law. In January, Delhi police charged a university student [LCE593719&SDGwith sedition](#). In February, a young woman was arrested for [LCE593719&SDGsedition in Karnataka for raising the slogan](#) "Pakistan Zindabad, Hindustan Zindabad" (Long Live Pakistan, Long Live India) at a protest.

Karnataka police also arrested a head teacher and a parent at a private [LCE593719&SDGprimary school on sedition charges](#) for a play critical of the citizenship law. The police questioned students, most of them Muslim and between 9 and 12 years old, for five consecutive days to get them to identify teachers or parents who may have helped to develop the play.

The [LCE593719&SDGSupreme Court has said](#) that expressing ideological support should not be conflated with criminal complicity in violence. The courts have also repeatedly held that speech or action constitutes sedition only if it incites or tends to incite disorder or violence. Various state governments charge people with sedition even when that standard is not met.

Human Rights Watch has urged the Indian government to uphold the rights to freedom of expression, association, and peaceful assembly and called for the repeal of the Unlawful Activities (Prevention) Act as well as of the [LCE593719&SDGcolonial-era sedition law](#).

"The Indian authorities should stop targeting human rights defenders, activists, and journalists for criticizing the government," Ganguly said. "At a time when governments around the world are releasing prisoners because of coronavirus, it is extraordinary that Indian authorities want to jail activists who should never have been arrested."

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