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India: Guwahati High Court suspends bail granted to human rights defender Akhil Gogoi

On 7 April 2020, the Guwahati High Court suspended the bail granted to human rights defender **Akhil Gogoi** in a case brought by the National Investigation Agency. The human rights defender, who suffers from serious medical conditions, is currently in Dibrugarh jail.

[Akhil Gogoi](#) is a human rights defender and president of Krishak Mukti Sangram Samity (KMSS), an organisation working with indigenous communities in Assam to protect and promote their land rights. Akhil Gogoi is also an active campaigner against the construction of mega-dams in the state of Assam and against land grabbing. As a Right to Information (RTI) activist, he has been vocal against corruption in the public sphere.

On 7 April 2020, the Guwahati High Court issued an interim stay order on the default bail granted to Akhil Gogoi in a case relating to the Anti-Citizenship Amendment Act protests, filed by the National Investigation Agency (NIA). The human rights defender was first arrested on 12 December 2019 under charges relating to Section 120B (criminal conspiracy), 124A (sedition), 153 A (hate speech) and 153 B (imputations and assertions prejudicial to national integration) of the Indian Penal Code (IPC), and under sections 18 and 39 of the Unlawful Activities (Prevention) Act, that relate to conspiracy and support given to a terrorist organisation.

On 17 March 2020, a special NIA court granted default bail to the human rights defender, after the NIA had failed to file a charge-sheet within 90 days of his arrest. The NIA had sought an extension of another 90 days to file a charge-sheet, but the petition was rejected by the special NIA court. Following the rejection of the petition, the NIA appealed to the Guwahati High Court, challenging the special NIA court's decision. While the High Court admitted the case, it did not pass a stay order until 7 April 2020.

Despite being granted bail on 17 March, the defender was never released from custody. On 19 March 2020, two days after the default bail was granted, Akhil Gogoi was [re-arrested](#) after a case was lodged by police under Section 153A of the IPC, a non-bailable section. The defender's lawyer has stated that no prior information was given before the arrest and that old cases are being brought up to ensure the human rights defender remains in detention.

In the context of COVID-19 and specific risks to prison inmates, the response of the court is alarming. Globally and nationally there have been measures to reduce congestion in prisons in response to the unprecedented crisis. The Indian Supreme Court has also made directives in this regard in the context of the pandemic. Akhil Gogoi has now been in custody for over three months without any progress in the investigations against him. He suffers from serious medical conditions, including damage to his kidneys, which the court was aware of.

Front Line Defenders condemns the ongoing judicial harassment and arbitrary detention of Akhil Gogoi, as it believes that they are a direct reprisal against his peaceful human rights work, and the exercise of his freedom of expression, which are protected under the Constitution of India. Front Line Defenders is extremely concerned about the safety of Akhil Gogoi and other human rights defenders, including members of KMSS, Dahirjya Konwar, Bitu Sonowal and Manash Konwar, who continue to be imprisoned in the context of COVID-19.

Front Line Defenders urges the authorities in India to:

1. Immediately and unconditionally release Akhil Gogoi as Front Line Defenders believes that

he is being held solely as a result of his legitimate and peaceful work in the defence of human rights;

2. Provide Akhil Gogoi with the necessary medical assistance and ensure that his treatment, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Guarantee to Akhil Gogoi his constitutionally protected fundamental freedoms, especially the fundamental right to freedom of expression protected under the Constitution;
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 judicial harassment.