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India: Human rights defender and journalist Mohammed Zubair arrested by Delhi Police

On 2 July 2022, the Chief Metropolitan Magistrate – Delhi, denied bail and remanded human rights defender and founder of the fact checking website Alt-News, **Mohammad Zubair** to 14 days judicial custody. Delhi police also added further provisions under the Indian Penal Code (IPC) and the Foreign Contributions Regulation Act (FCRA) to the existing First Information Report (FIR) against Mohammad Zubair. The defender was arrested by the special cell of the Delhi police on 27 June 2022 because of a tweet published by him in 2018 which police allege ‘hurt religious sentiments’. On 30 June 2022 police raided Mohammad Zubair’s home in Bengaluru and confiscated electronic devices.

[Mohammed Zubair](#) is a human rights defender and the co-founder of fact-checking website [Alt News](#), aimed at combatting fake news and misinformation. He has spoken out against hate speech and divisive propaganda especially targetting minority communities. In June 2022, he was instrumental in exposing the hate speech by former ruling party spokesperson [Nupur Sharma](#) which resulted in public and international outcry. The Bharatiya Janata Party (BJP) has since sought to distance itself from the said officials, especially in response to international condemnation. Mohammed Zubair has been targeted in the past due to this work. The recent treatment of the human rights defender based on a tweet published four years ago, is clearly punishment for his role in exposing hate speech used by senior members of the BJP.

On 27 June 2022, Mohammed Zubair was arrested by the special cell of the Delhi Police based on a tweet published by him in 2018. A FIR had been registered by police following a complaint by Delhi Police Sub-Inspector Arun Kumar, who came across Mohammed Zubair’s old tweet after a handle named “[Hanuman Bhakt](#)” tagged the police and [sought legal action](#) against the human rights defender for hurting religious sentiment. Mohammed Zubair was initially summoned to the police in relation to an older 2020 FIR, in which he was protected from arrest. Later that evening he was arrested based on the new FIR which includes Section 153-A (promoting enmity between different groups) and Section 295-A (malicious acts, intended to outrage religious feelings) of the Indian Penal Code.

On 30 June 2022, the Delhi police raided the human rights defender’s residence in Bengaluru to recover his electronic devices. On 2 July 2022, Delhi Police added further charges including Section 35 of the Foreign Contributions Regulation Act and Sections 201 (for the destruction of evidence – formatted phone and deleted tweets), 120-(B) (for criminal conspiracy) of the IPC. Police now allege that Mohammed Zubair was receiving foreign funds in contravention of local regulations. Also on 2 July 2022, a Delhi court denied bail, and remanded the human rights defender to 14 days judicial custody.

The selective targetting of Mohammed Zubair on spurious charges, denial of bail, allegations of foreign funding, and medial leaks are indicative of a pattern of violence and threats against Indian human rights defenders. 2 days prior to Mohammed Zubair’s arrest, Indian woman human rights defender, Teesta Setalvad, was arrested by Gujarat police based on her legal campaign seeking justice for the victims of the Gujarat riots. On 2 July 2022, Teesta Setalvad was remanded to 14 days police custody by the court. While the cases and subject matter differ, both defenders are being punished for exposing or seeking accountability against senior BJP figures.

Front Line Defenders is extremely concerned by the arrest and incarceration of human rights defender Mohammed Zubair, which it believes is a reprisal against his human rights work in exposing hate speech by senior BJP officials which resulted in public and international outcry. The treatment of Mohammed Zubair since his arrest, his prolonged detention, raids on his house and seizure of his electronic devices, is a blatant violation of his human rights and appears to be an instrument to intimidate him. We urge Indian authorities to cease the harassment of human rights defenders for voicing their dissent against hate and misinformation.

Front Line Defenders urges the relevant authorities in India to:

1. Immediately and unconditionally release human rights defender Mohammed Zubair and quash all the charges filed against him;
2. Guarantee under all circumstances that Mohammed Zubair is not subjected to torture and any other form of ill-treatment while in custody;
3. Immediately end all forms of harassment against Mohammed Zubair and ensure that he is able to perform his legitimate human rights work;
4. Guarantee in all circumstances that all human rights defenders in India are able to carry out their human rights activities without fear of reprisals and free of all restrictions, in line with India's international human rights obligations and commitments.