

12 May 2020

## **India: Judicial harassment of Zafarul Islam Khan, Chairman of the Delhi Minorities Commission**

On 6 May 2020, a large group of officers from the Delhi police, including from the Special Cell , visited the residence of Delhi Minorities Commission Chairman, **Zafarul Islam Khan** and attempted to arrest him. The harassment of the human rights defender is the result of a post he made on social media criticising the targeting of the Muslim minority in India. A First Information Report – which includes charges of sedition – has been filed against Zafarul Islam Khan by the Cyber Crimes Unit of the Special Cell, which carries the risk of imminent arrest.

[Zafarul Islam Khan](#) is a scholar, journalist and the Chairman of the Delhi Minorities Commission (DMC) – a statutory body which works under the Government of the National Capital Territory of Delhi. He has worked extensively on minorities issues, including Muslims, Sikhs, Christians, Jains and Parsis. The minority rights defender is also a respected scholar and intellectual and has been vocal about human rights abuses and religious extremism. During his term at the DMC he has actively focused on denouncing racist Hindutva supporters, who target and vilify minorities based on ethnicity and religion. Following the Delhi violence in February 2020 that killed at least 53 people and injured 400, Zafarul Islam Khan initiated a fact-finding committee to examine the violent incident, its causes, those responsible and assess the damage. A preliminary investigation by the DMC committee found that the communal violence in north-east Delhi was 'one-sided, well-planned and maximum damage was inflicted on Muslim houses and shops with local support'.

On 6 May 2020, a large group of approximately 50 police officers, including members of the Delhi Special Cell, visited Zafarul Islam Khan at his house with intent to arrest the 72-year-old human rights defender. Having failed to arrest the defender, the police ordered him to report to the Special Cell office on 8 May. His lawyer released a statement, highlighting that any attempt to order Zafarul Islam Khan to appear at the police station is in violation of the Indian Criminal Procedure Code, which states that any person over the age of 65 cannot be summoned to a police station. The attempted arrest and harassment of the defender is linked to a FIR filed against him on 30 April 2020. The case was registered by the Cyber Crimes Unit of the Special Cell, in response to a post by the human rights defender on social media, thanking the Government of Kuwait for expressing solidarity with Indian Muslims and outlining the concerning situation regarding human rights of Muslims in India. The First Information Report naming Zafarul Islam Khan has been filed under sections 12A and 152A of the Indian Penal code for sedition, promoting enmity between different groups on grounds of religion, and doing acts prejudicial to maintenance of harmony. The defender filed for anticipatory bail before the Delhi High Court and was granted interim protection from any coercive action until the next hearing on 22 May.

The charges against Zafarul Islam Khan comes at a time when human rights defenders in India are increasingly persecuted, many of whom are from the minority Muslim community and are protesting the regressive Citizenship Amendment Act. In a [statement](#) issued on the arrest and persecution of student human rights defenders and others protesting the CAA, Front Line Defenders has called for an end to the persecution and criminalization of defenders in India. The targeting of a well respected human rights defender such as Zafarul Islam Khan is especially concerning as it contributes to a climate of fear and vulnerability for those speaking out fearlessly to promote and protect human rights.

Front Line Defenders condemns the judicial harassment of Zafarul Islam Khan, as it believes that it is a direct reprisal for 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 regarding the increasing attacks on human rights defenders and the hostile and intimidating environment towards them and their work which has emerged in India in the last several months.

**Front Line Defenders urges the authorities in India to:**

1. Drop all charges, immediately cease the investigation into and drop the First Information Report filed against human rights defender Zafarul Islam Khan, as he is being targeted solely for his work in defence of human rights;
2. Guarantee Zafarul Islam Khan his constitutionally protected fundamental freedoms, especially the fundamental right to freedom of expression protected under the Constitution;
3. 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.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6 (b) and (c): *“Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”*, and to Article 12 (2): *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director