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India: Legal persecution of women human rights defenders Devangana Kalita and Natasha Narwal

On 23 May 2020, two student women human rights defenders and founding members of women's movement 'Pinjra Tod', **Devangana Kalita** and **Natasha Narwal**, were arrested by Delhi Police. They were arrested in connection with the Jafrabad protests against the Citizenship Amendment Act (CAA) in February 2020. Both defenders were granted bail the following day, but were detained under another First Information Report (FIR) linked to the anti-CAA protests and remain in Tihar prison at the time of writing.

[Devangana Kalita](#) and [Natasha Narwal](#) are both women human rights defenders and founding members of the Pinjra Tod, a collective of women students and university alumni from across Delhi, who seek to lessen restrictions, such as curfews, placed on female students. The collective challenges stereotypes on the need for women to be 'protected', and advocates against using concepts of safety and security to silence and suppress women's rights to mobility and liberty. Since the regressive CAA was passed in December 2019, the women human rights defenders have played a critical role in peacefully protesting and mobilising against the Act, on the basis that it violates the fundamental principles and protections of the Constitution of India. In defending the Constitution and protesting the CAA, Devangana Kalita and Natasha Narwal are protesting against the systematic targeting of minority communities and the removal of legal and social safeguards aimed at protecting some of India's most vulnerable groups.

On 23 May 2020, the Special Crimes Cell of the Delhi Police arrested Devangana Kalita and Natasha Narwal under FIR 48/2020. The arrest was based on their participation in the Jafrabad protest in North East Delhi against the CAA in February 2020. The initial FIR contains charges under sections 186, 341 and 353 of the Indian Penal Code (IPC): obstructing a public servant in discharge of public functions, wrongful restraint, and assault or criminal force to deter a public servant from discharge of his duty. On 24 May 2020, Devangana Kalita and Natasha Narwal were brought before the Duty Metropolitan Magistrate and granted bail after a special hearing at the Mandoli Jail. The judge noted that the defenders were merely exercising their right to freedom of expression by protesting and did not engage in any form of violence. The judge also took COVID-19 into consideration when declining the police's request to remand the two defenders.

Despite being granted bail, the women human rights defenders were never released. On 26 May 2020, the Delhi Special Crime Cell filed a further FIR 50/2020 against them and proposed they be remanded for 14 days. The new FIR contains serious offences including sections 302, 307 and 120B of the IPC: murder, attempt to murder and criminal conspiracy; offences under the Arms Act and offences under the Prevention of Destruction of Public Property Act. The decision by the Delhi police to file the FIR 50/2020 with serious charges, despite already failing to prove the lesser charges under the initial FIR 48/20, is evidence of their intent to hold the defenders in prison at any cost. The hearing was held on 28 May but due to COVID-19, was held inside the jail premises, and the defenders had difficulty obtaining legal representation. The defenders were sentenced to a further 14 days in Tihar prison.

The arrest of Devangana Kalita and Natasha Narwal, and their continued incarceration under successive FIRs, is part of a series of arrests carried out by the Delhi Special Crimes Cell, targeting student human rights defenders protesting the CAA. As well as Devangana Kalita and Natasha Narwal, human rights defenders Safoora Zargar, in the second term of her pregnancy, Gulfisha Fatima, Meeran Haider, Khalid Saifi, Shifa Ur Rehman, Kafeel Khan and Sharjeel Imam remain imprisoned on baseless charges. Further, on 17 May 2020, another student protesting the CAA

was arrested by Delhi police and is currently in prison. In each of these cases there is a disturbing pattern of including more serious charges – including under anti-terror laws – post arrest, to ensure continued incarceration. There is concern that Devangana Kalita and Natasha Narwal will face a similar fate, and prolonged detention as a direct reprisal to their peaceful human rights work. The arrests continue to take place during COVID-19, despite the risk that imprisoned human rights defenders face in this context. Front Line Defenders has [condemned](#) the ongoing arrests and legal persecution of human rights defenders who protested the CAA and called on the authorities to unconditionally release those arrested.

Front Line Defenders condemns the judicial harassment of Devangana Kalita and Natasha Narwal, as it believes that they and other student human rights defenders are being targeted as a result of their work in defence of human rights and their exercise of the right to freedom of expression. It is particularly concerned regarding the use of baseless charges and allegations against human rights defenders, with the aim of terrorising and silencing them. Front Line Defenders is also concerned by the timing of the arrests during COVID-19. The Indian State's treatment of human rights defenders and the curtailing of their fundamental rights and freedoms, including freedom of expression, is a matter of grave concern. These rights are at the core of human rights defenders' work, and without them, they are unable to effectively carry out their peaceful activities.

Front Line Defenders urges the authorities in India to:

1. Immediately release Devangana Kalita and Natasha Narwal and remove all charges against the two defenders, including the two FIRs 48/2020 and 50/2020 under which they have been booked, as Front Line Defenders believes that they are being targeted solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Cease the ongoing judicial harassment and intimidation of human rights defenders protesting the Citizenship Amendment Act, especially through the use of anti-terror laws, and release all those currently held in jail;
3. Ensure that Devangana Kalita and Natasha Narwal and all human rights defenders who have been arrested due to their peaceful protests against the CAA are given the right to access legal representation, family members and to medical treatment where necessary in line with India's national and international obligations;
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 police and judicial harassment.