

URGENT ACTION

PROFESSOR AND STUDENTS DETAINED FOR SEDITION

A professor from Delhi University and two students from the Jawaharlal University (JNU) in Delhi are in detention for allegedly chanting 'anti-India' slogans at two separate events. If convicted, they could face a maximum sentence of life imprisonment. Another student arrested on suspicion of the same offence has been released on bail.

According to the Delhi police's First Information Report (FIR) against **Syed Abdul Rehman Geelani**, a television news report on 11 February highlighted an event at the Press Club of India to mark the anniversary of the execution of Afzal Guru, who was convicted of involvement in an attack on the Indian Parliament in 2001. The police say that Syed Abdul Rehman Geelani led a group of about 50 people in chanting 'anti-India' slogans at the event and declaring Afzal Guru a martyr. The police arrested the professor on 16 February. A Delhi court denied him bail on 20 February. He has been remanded in judicial custody.

The FIR against students **Kanhaiya Kumar, Umar Khalid** and **Anirban Bhattacharya** states that the police received a complaint on 9 February about an event on the JNU campus, also to mark the anniversary of the execution of Afzal Guru. The police said that on 10 February, a television news report about the event showed 'anti-national' slogans being chanted. Media reports have suggested that the footage had been doctored.

The Delhi police arrested Kanhaiya Kumar, who attended the event, on 12 February, and summoned other students who were present. According to news reports and eyewitnesses, Kanhaiya Kumar was beaten up by a group of lawyers on 17 February when he was being taken to a hearing at a Delhi trial court. Umar Khalid and Anirban Bhattacharya gave themselves up to the police on 23 February. They have been remanded in judicial custody till 14 March. On 29 February, the police told the Delhi High Court that they did not have video evidence of Kanhaiya Kumar raising 'anti-India' slogans. On 2 March, the court ordered Kanhaiya Kumar to be released on bail.

India's Supreme Court has ruled that expression can be restricted on grounds of public order only when it involves incitement to imminent violence or disorder. In 2015, the court stated: "Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of [freedom of expression]."

Please write immediately in English or your own language calling on authorities to:

- Immediately and unconditionally release Syed Abdul Rehman Geelani, Umar Khalid, Anirban Bhattacharya, and drop charges against the three individuals and Kanhaiya Kumar;
- Conduct a swift, impartial and independent investigation into the assault on Kanhaiya Kumar at the Patiala House Court, New Delhi, and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 15 APRIL 2016 TO:

Union Minister of Home Affairs

Rajnath Singh

17, Akbar Road

New Delhi, India

Fax: (011) 91 11 23014184

Email: 38ashokroad@gmail.com

Salutation: Dear Sir

Commissioner of Police, Delhi

Alok Verma

Post Box No. 171

G.P.O. New Delhi, India

Fax: (011) 91 11 23722052

Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Syed Abdul Rehman Geelani, 46, is a Professor of Arabic at Delhi University. He was arrested in 2001 for his alleged involvement in an attack on the Indian Parliament. Amnesty International expressed concern about abuses in pre-trial proceedings related to his arrest. In October 2003, the Delhi High Court acquitted him. His acquittal was upheld by the Supreme Court of India in August 2005.

Kanhaiya Kumar, Umar Khalid and Anirban Bhattacharya are PhD students at Jawaharlal Nehru University.

Section 124A of the Indian Penal Code states that sedition is committed when a person "by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India". It is punishable with life imprisonment. The law was enacted during the British era to stifle dissent during India's independence struggle. Mahatma Gandhi, who was imprisoned under the law, called it "the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen".

Under international human rights law binding on India, states are allowed to impose restrictions on the right to freedom of expression on grounds including 'public order'. However, any such restriction must be demonstrably necessary and proportionate, and must not jeopardize the right itself.

Article 19(1) of the Constitution of India guarantees to all citizens the right to freedom of speech and expression. Article 19(2) makes public order a ground, among others, for restricting freedom of expression. However, India's Supreme Court has ruled that such restrictions must be authorized by law and must not be excessive or disproportionate. The Court has also ruled that restrictions relying on the ground of public order are valid only when there is a close connection between the speech and public disorder, and there is an imminent threat of lawlessness.

However, the sedition law continues to be used to suppress critics and dissenters. Successive governments in India have deployed it against journalists, activists and human rights defenders.

In December, an MP introduced a bill in the lower house of Parliament seeking to amend the sedition law to cover only cases involving direct incitement of violence. The bill is still pending.

Name: Syed Abdul Rehman Geelani, Kanhaiya Kumar, Umar Khalid and Anirban Bhattacharya
Gender m/f: Male

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