



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

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NGO with Special Consultative Status with the Economic & Social Council of the United Nations

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To,
Justice (Retd.) H.L. Dattu
Chairperson
National Human Rights Commission
New Delhi

Subject: Urgent – Arbitrary arrests of two scholars from Jamia Milia Islamia – Ms. Safoora Zargar and Mr. Meeran Haidar

Dear Sir:

We draw your attention to the arrest of two PhD scholars from Jamia Milia Islamia, Ms. Safoora Zargar and Mr. Meeran Haidar by the Special Cell Delhi Police. Arrested in cases linked to the violence in North East Delhi during February 2020. You would be aware that various organizations including the Jamia Coordination Committee and associations of scholars and activists have called their arrests arbitrary, the charges false and demanded their release.

We urge an immediate inquiry by the Commission to monitor their health rights, safety and conditions in custody. As per publicly available information, they are both currently lodged in judicial custody. In particular, we suggest that the Commission issue an order to the Delhi Police calling on the latter to provide a written assurance that no interrogation will be permitted in the absence of their lawyers, and all the rights on arrest be fully complied with. We note that Supreme Court directive in the DK Basu judgment which mandates every arrested person has the right to ask for a medical examination every 48 hours during detention in custody by a qualified and government-approved doctor [*D.K. Basu vs. State of West Bengal*].

Both are active members of the Jamia Coordination Committee spearheading protests against the 2019 amendments to the Citizenship Act and we are concerned whether their detention is because of their publicly voiced opposition to the CAA. What is truly alarming is that Ms. Zargar is pregnant, in need of regular care and medical supervision, and should not be in custody. As the police and the courts are unwilling to release them immediately on their own bonds, they can be held liable if Ms. Zargar or her unborn child come to any harm while in custody.

We urge you to request the Delhi High Powered Committee (constituted under the directions of the Supreme Court in Re: Contagion of Covid-19 Virus in Prisons for release of prisoners during the Covid-19 Pandemic) to recommend release of Ms. Zargar on bail as she is pregnant. Release of pregnant women on bail is a category enlisted by the National Legal Services Authority (NALSA) in its SOP on the functioning of Undertrial Review Committees.

At a time where all governmental efforts are going into containing the spread of the virus, and the Supreme Court has ordered the temporary release of prisoners from jails, it becomes even more questionable as to why they were arrested and taken into custody in this time. We note that the Office of the UN High Commissioner for Human Rights as recently as April 3 called on all governments to "Release every person detained without sufficient legal basis, including political prisoners, and those detained for critical, dissenting views". In our view, the detention of Ms. Zargar and Mr. Haidar falls in this category.

Linked to this, we also call to your attention disturbing accounts reported in the media of other JCC activists, Muslim youth from North East Delhi, and Jamia students being frequently called for questioning by the Special Cell amidst this lockdown. We urge the Commission to direct the Delhi Police Commissioner to cease this questioning of individuals in police custody as long as the virus is at high infection levels.

We request this be treated as most urgent. We may be contacted at the following email ids: director@humanrightsinitiative.org, sanjoy@humanrightsinitiative.org.

With regards and good wishes,



Sanjoy Hazarika
International Director
CHRI



Maja Daruwala
Senior Advisor, CHRI