

URGENT APPEAL - THE OBSERVATORY

New information
IND 003 / 1121 / OBS 123.1
Arbitrary detention /
Judicial harassment /
India
December 7, 2021

The Observatory for the Protection of Human Rights Defenders, a partnership of the World Organisation Against Torture (OMCT) and FIDH, requests your urgent intervention in the following situation in **India**.

New information:

The Observatory has been informed about the ongoing arbitrary detention and judicial harassment of prominent human rights defender **Khurram Parvez**. Mr. Parvez the Coordinator of the Jammu and Kashmir Coalition of Civil Society (JKCCS)¹ and the Association of Parents of Disappeared Persons (APDP)², and Chairperson of the Asian Federation Against Involuntary Disappearances (AFAD)³. Mr. Parvez is also a Distinguished Scholar with the Political Conflict, Gender, and People's Rights Initiative at the Center for Race and Gender at University of California, Berkeley.

On December 4, 2021, Khurram Parvez appeared before the National Investigation Agency (NIA) Special Court in New Delhi, after 12 days under NIA's custody. Judge Parveen Singh ordered his pre-trial detention in the Tihar maximum security prison, in New Delhi, where he remained detained at the time of publication of this Urgent Appeal. The next hearing in his case is scheduled for December 23, 2021.

The Observatory recalls that on November 22, 2021, officials from the National Investigation Agency (NIA), assisted by the local police, conducted raids on the house of Khurram Parvez and the JKCCS office in the city of Srinagar, in Jammu and Kashmir Union Territory, for approximately 14 hours. Mr. Parvez's mobile phone, laptop, and several books were seized. On the evening of the same day, Khurram Parvez was taken for questioning to the premises of the NIA in Srinagar. At around 6pm, his family members received a phone call from NIA officers who requested them to bring him clothes. Upon arrival at the premises of the NIA they were given an arrest memo for Mr. Parvez, which was issued on the basis of a First Information Report (FIR) lodged by the NIA on November 6, 2021. Khurram Parvez was taken to New Delhi on November 24, 2021, where he remained detained under NIA's custody until December 4, 2021. During this period, Mr. Parvez appeared on two occasions before the NIA Special Court for interrogation.

The Observatory further recalls that Khurram Parvez faces charges of "criminal conspiracy", "waging war against the government of India", "punishment for conspiracy to wage war against the government of India" (Sections 120B, 121, and 121A of the Indian Penal Code, respectively), and "raising funds for terror activities", "punishment for conspiracy", "recruiting any person or persons for commission of a terrorist act", "offence relating to membership of a

¹ The Jammu and Kashmir Coalition of Civil Society, founded in 2000, is a federation of human rights organisations and individuals working in Jammu and Kashmir.

² Association of Parents of Disappeared Persons actively campaigns for an end to the practice and crime of involuntary and enforced disappearances at local, national and international platforms. Members of the APDP have been engaged in documenting enforced disappearances in Kashmir since 1989 and have collected information on over one thousand such cases.

³ Founded in 1998, the Asian Federation Against Involuntary Disappearances is a human rights federation of organisations campaigning against enforced disappearances in Asia.

terrorist organisation” and “offence of raising funds for terrorist organisations” (Sections 17, 18, 18B, 38, and 40 of the Unlawful Activities (Prevention) Act (UAPA), respectively).

The Observatory strongly condemns the ongoing arbitrary detention and judicial harassment of Khurram Parvez and recalls this is not the first time Mr. Parvez is [targeted](#) by the authorities with the aim of punishing and intimidating him for his human rights activities. On October 28, 2020 his house was [searched](#) by the NIA along with the houses and offices of several human rights defenders, non-governmental organisations and newspapers in Srinagar and Bandipora. The raids were conducted in connection with an investigation into the fundraising of “so-called NGOs and trusts” in India and abroad to carry out “secessionist and terrorist activities” in Jammu and Kashmir, pursuant to Sections 120B and 124A of the Indian Penal Code and Sections 17, 18, 22A, 22C, 38, 39, and 40 of the Unlawful Activities (Prevention) Act.

The Observatory reiterates its concern over the misuse of the UAPA by the Indian authorities to target human rights defenders and silence dissent, and condemns all acts of harassment and persecution of human rights defenders in India. Moreover, the Observatory recalls that the arbitrary detention of Khurram Parvez takes place in a context of an increased crackdown on civil society by the Indian government, notably by bringing politically motivated criminal cases against human rights defenders, student activists, journalists, and other critics of the government under sedition, terrorism, and other repressive legal provisions, with the aim to silence critical voices in the country

The Observatory urges the authorities of India to immediately and unconditionally release Khurram Parvez and drop all charges against him, as his detention is arbitrary and only aimed at punishing him for his peaceful and legitimate human rights activities.

Actions requested:

Please write to the authorities in India, urging them to:

- i. Guarantee in all circumstances the physical integrity and psychological well-being of Khurram Parvez and all human rights defenders in India;
- ii. Immediately and unconditionally release Khurram Parvez and put an end to all acts of harassment - including at the judicial level – against him and all other human rights defenders in India, and ensure that they are able to carry out their legitimate activities without any hindrance and fear of reprisals in all circumstances;
- iii. Guarantee Khurram Parvez’s right to due process and fair trial;
- iv. Immediately put an end to the use of repressive laws to target human rights defenders, ensure its compliance with international human rights standards and repeal the Unlawful Activities (Prevention) Act (UAPA).

Addresses:

- Mr. Narendra Damodardas Modi, Prime Minister of India, E-mail: pmosb@pmo.nic.in, Twitter: [@narendramodi](https://twitter.com/narendramodi)
- Mr. Amit Shah, Union Minister of Home Affairs of India, Email: dirfcra-mha@gov.in
- Mr. Ajay Kumar Bhalla, Secretary, Ministry of Home Affairs of India, Email: hshso@nic.in
- Mr. N.V. Ramana, Chief Justice of India, Supreme Court of India, Email: supremecourt@nic.in

- Mr. Shri Bimbadhar Pradhan, IAS, Secretary General Chief Executive Officer of the National Human Rights Commission of India, Email: sgnhrc@nic.in, Twitter: @India_NHRC
- Mr. Debindra Kundra, Focal Point on Human Rights Defenders, National Human Rights Commission of India, Email: hrd-nhrc@nic.in
- H.E. Mr. Rajiv Kumar Chander, Ambassador, Permanent Mission of India to the United Nations in Geneva, Switzerland. Email: mission.india@ties.itu.int

Please also write to the diplomatic mission or embassy of India located in your country.

Geneva-Paris, December 7, 2021

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

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