



10 June 2021

To:

The Hon'ble Chief Justice of India,
Justice N.V. Ramana,
Supreme Court of India,
Tilak Marg, New Delhi 110001

The Hon'ble Chief Justice of Bombay High Court,
Justice Dipankar Datta,
105 Bombay High Court,
(P.W.D.) Building, Fort, Mumbai 400032

The Hon'ble Justice A.A.Sayed,
Member of the High Powered Committee,
105 Bombay High Court,
(P.W.D.) Building, Fort, Mumbai 400032

The Hon'ble Prime Minister of India,
Mr Narendra Modi,
Prime Minister Office,
South Block, Raisina Hill, New Delhi 110011

The Hon'ble Home Minister of India,
Mr Amit Shah,
Ministry of Home Affairs,
North Block, Raisina Hill, New Delhi 100011

The Hon'ble Chief Minister of Maharashtra,
Mr Uddhav Thackeray,
Maharashtra CM Office,
Government of Maharashtra,
6th Floor, Mantralaya, Nariman Point, Mumbai 400032

The Hon'ble Home Minister of Maharashtra,
Mr Dilip Dattaray Walse-Patil,
Mantralaya, Nariman Point, Mumbai 400032

Mr Anand Limaye,
Additional Chief Secretary, Home (Appeal and Security),
Member of the High Powered Committee,
Home Department, Mantralaya, Nariman Point, Mumbai 400032

Mr Sunil Ramanand,
Additional Director General of Police (Prisons),
Member of the High Powered Committee,
Old Central Building, 2nd Floor, Pune-1

Copy to:

Mr Nils Menzer,
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment, Office of the High Commissioner for Human Rights (UN Human Rights)

Ms Leigh Toomey,
Chair-Rapporteur, Office of the High Commissioner for Human Rights (UN Human Rights)
Working Group on Arbitrary Detention

Ms Dunja Mijatovic,
EU Commissioner for Human Rights

Ms Mary Lawlor,
Special Rapporteur on the situation of human rights defenders,
Office of the High Commissioner for Human Rights (UN Human Rights)

Mr Gerard Quinn,
Special Rapporteur on the rights of persons with disabilities,
Office of the High Commissioner for Human Rights (UN Human Rights)

Ms Irene Khan,
UN Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression, Office of the High Commissioner for Human Rights (UN Human Rights)

Ms Rosa Kornfeld-Matte,
Independent Expert on the enjoyment of all human rights by older persons, Office of the
High Commissioner for Human Rights (UN Human Rights)

Ms Tlaleng Mofokeng,
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health, Office of the High Commissioner for Human Rights
(UN Human Rights)

We urge the immediate release of human rights defenders in India into safe conditions

Accounting for almost a third of deaths from Covid-19 worldwide, the situation in India is grave. We are alarmed that [a number of human rights defenders](#) who are currently awaiting trial in Indian jails have developed serious health issues in jail owing to [over-congestion and neglect](#), absence of appropriate medical care, and deplorable hygiene conditions. These political prisoners are now at great risk of [contracting the virulent strain](#) of the virus -- which some have already contracted -- and will have [no access to prompt medical care](#) that is necessary to save lives. We therefore urgently seek that the temporary administrative order to release prisoners due to the pandemic be applied to political prisoners in India. We strongly believe that by turning a blind eye to the toll exacted by Covid on those it holds in its custody, the government is in violation of its constitutional duty [to safeguard the life](#) of these citizens.

Among the thousands in India arrested for “political offences” is a group known as [the Bhima-Koregaon \(BK\)-16](#): four academics, three lawyers, two independent journalists, a union organizer and social activist, a poet, three performing artists, and a Jesuit priest. A majority of them are senior citizens, some of whom have comorbidities that render them particularly vulnerable. All are human rights defenders with a record of writing, speaking and organizing for the rights of workers, minorities, Dalits, and Adivasis through peaceful and constitutional means. As the deadly second wave of Covid rages, with an equally serious third wave anticipated, the overcrowded prisons face severe water shortage and lack the medical equipment and personnel [necessary to fight Covid](#). At least six of the arrested [have contracted Covid-19](#), others have reported various acute infections and a rapid deterioration of health. Two of the BK-16 were recently shifted to multi-specialty hospitals after intense advocacy from family members and concerned citizens. Last year, one of the 16, an 80-year old poet, received temporary bail on medical grounds after weeks of hospitalization, at a moment when it was feared that he may die in custody.

In a moment of unprecedented national calamity, we ask for decisive action by the government and court to set the BK-16 at liberty to avert further tragedy. When the prison is unable to provide for the health and safety of the prisoners, the family has a right to offer such care as they deem necessary. None of the prisoners is deemed a flight risk. We acknowledge that while the Bombay High Court allowed three of the 16 arrested to be transferred to private hospitals, there is a humanitarian emergency facing all these political prisoners, whose lives are in grave danger from Covid-19.

With this letter, we call on the Indian authorities to take urgent and prompt action:

- Release the BK-16 from overcrowded and unsafe prisons immediately.
- Allow them to be cared for by their kin.
- Show compassion and responsibility in order to avoid catastrophic consequences.
- Ensure them their constitutional right to live and die in dignity.

Signatories

1. José Antonio Guevara-Bermúdez, Former President of the United Nations Working Group on Arbitrary Detention
2. Olga Tokarczuk, Polish writer, Nobel Prize for Literature 2018
3. Wole Soyinka, Nigerian writer, Nobel Prize for Literature 1986
4. Margrete Auken, Member of the European Parliament
5. Idoia Villanueva, Member of the European Parliament
6. Alviina Alametsä, Member of the European Parliament
7. Lord Harries of Pentregarth, Member of the House of Lords, UK
8. Caroline Lucas, Member of Parliament, UK
9. Apsana Begum, Member of Parliament, UK
10. Mick Barry, TD, Member of the Irish Parliament
11. Michel Brandt, Member of the German Bundestag
12. Eva-Maria Schreiber, Member of the German Bundestag
13. Heike Hänsel, Member of the German Bundestag and Vice-President of Left Parliamentary Group, Germany
14. Christine Buchholz, Member of the German Bundestag and deputy member of the Committee on Human Rights and Humanitarian Aid
15. Mattea Meyer, Member of the Swiss Parliament
16. Cédric Wermuth, Member of the Swiss Parliament
17. Fabian Molina, Member of the Swiss Parliament
18. Tamara Funiciello, Member of the Swiss Parliament
19. Pierre Yves-Maillard, Member of Swiss Parliament, President of the Swiss Trade Union Federation
20. Katharina Prelicz-Huber, Member of Swiss Parliament, President of the Swiss trade union VPOD-SSP
21. (Rt Revd Dr) Rowan Williams FBA, Former Archbishop of Canterbury, Former Master of Magdalene College, Cambridge
22. Revd Ted Penton, SJ, Secretary of Justice and Ecology, Jesuit Conference of Canada and the United States
23. Vania Alleva, President of the Swiss trade union Unia
24. Noam Chomsky, Institute Professor and Professor of Linguistics Emeritus, Massachusetts Institute of Technology (MIT), USA
25. Homi K. Bhabha, Anne F. Rothenberg Professor of the Humanities, Harvard University, USA
26. James Silk, Binger Clinical Professor of Human Rights, Yale Law School, USA
27. Gyan Prakash, Dayton-Stockton Professor of History, Princeton University, USA
28. Judith Butler, Maxine Elliot Professor, Department of Comparative Literature, University of California at Berkeley, USA
29. Signe Kjelstrup, Principle Investigator, Center of Excellence, Norwegian University of Science and Technology (NTNU), Norway

30. Arjun Appadurai, Paulette Goddard Professor of Media, Culture, and Communication, New York University, USA
31. Faisal Devji, Professor of Indian History, University of Oxford, UK
32. Talal Asad, Distinguished Professor, City University of New York, USA
33. Gyanendra Pandey, Arts and Sciences Distinguished Professor, and Director, Interdisciplinary Workshop on Colonial and Postcolonial Studies, Emory University, USA
34. Victor Wallis, Professor, Berklee College of Music, USA
35. Michael Morris, Chavkin-Chang Professor of Leadership Management, Columbia University, USA
36. Ashutosh Varshney, Sol Goldman Professor of International Studies and the Social Sciences, Brown University, USA
37. Ash Amin, Professor of Geography, University of Cambridge, UK
38. Partha Chatterjee, Professor of Anthropology, Columbia University, USA
39. Akeel Bilgrami, Sidney Morgenbesser Professor of Philosophy, Professor, Committee on Global Thought, Columbia University, USA
40. Gayatri Chakravorty Spivak, Professor of English and Comparative Literature, Columbia University, USA
41. Maryse Condé, French-Guadeloupean novelist and laureate, Professor Emerita, Columbia University, USA
42. Paula M. L. Moya, Danily C. and Laura Louise Bell Professor of the Humanities, Stanford University, USA
43. Ueli Maeder, Professor Emeritus of Sociology, Former Dean at the University of Basel, Germany
44. Joshua Castellino, Executive Director, Minority Rights International and Professor of Law, Middlesex University, London
45. Naomi Klein, Journalist, Author, Filmmaker, Activist, and Gloria Steinem Chair in Media, Culture, and Feminist Studies, Rutgers University, USA
46. Wolfgang Kaleck, Lawyer and Author, Berlin, Germany
47. Alan Rusbridger, Former Editor-in-Chief, the *Guardian* UK and board member, Committee to Protect Journalists
48. Vince Warren, Lawyer, New York, USA
49. Jennifer Robinson, Barrister, UK
50. Alejandra Anchieta, Founder and Executive Director, ProDESC, Mexico
51. Sarah Ahmed, British-Australian Writer and Independent Scholar
52. Srećko Horvat, Philosopher and Council Member, Progressive International
53. Sir Anish Kapoor, Sculptor, UK
54. Ilija Trojanow, Bulgarian-German Writer
55. Amit Chaudhuri, Novelist, Essayist, and Musician
56. Shahidul Alam, Photographer, Writer, Curator and Human Rights Activist
57. Ahdaf Soueif, Novelist, Political and Cultural Commentator

Endorsing organizations

1. InSAF India (International Solidarity for Academic Freedom in India)
2. India Civil Watch International (ICWI)
3. Sikh Council UK
4. PEN Canada
5. English PEN
6. PEN International
7. American Sociological Association
8. Hindus for Human Rights
9. Global Secular Hindu Forum
10. Solifonds Switzerland

Further reading

- The People's Union of Civil Liberties (PUCL) Maharashtra (September 2, 2020). [Imprisoned and Unsafe. Prisoners and the Pandemic](#). Lockdown on Civil Liberties Series – 1. A PUCL (Maharashtra) series.
- Jyotsna Kapur and Neepa Majumdar (May 24, 2021). [The international academic community must respond to repression in India](#). *Academe Blog*.
- Amy Kazmin (May 20, 2021). [Indian activists languish in jail despite soaring Covid rates](#). *Financial Times*.
- Inés San Martín (May 19, 2021). [Activists fear jailed Indian Jesuit faces Covid 'death sentence'](#). *Angelus*.
- Mekhala Saran (May 18, 2021). [Crowded jails & COVID: 16 Bhima Koregaon accused's kin share fears](#). *The Quint*.
- Narsi Benwal. (May 17, 2021). [Mumbai: State has 1 medical staff to look after 315 odd prisoners](#). *The Free Press Journal*.
- Jyoti Punwani (May 17, 2021). [Should the Bhima Koregaon 16 be left to die?](#) Rediff.com.
- Niha Masih and Joanna Slater (April 21, 2021). [Further evidence in case against Indian activists accused of terrorism was planted, new report says](#). *Washington Post*.
- Polis Project (March 8, 2021). [The strange case against the Bhima Koregaon political prisoners](#). The Polis Project.
- Newslaundry (December 2, 2020). [Explained: Why is UAPA a draconian law?](#), *Newslaundry*.
- Abhinav Sekri (July 18, 2020). [How the UAPA is perverting the idea of justice](#). *Article 14*.
- World Prison Brief. (May 21, 2021). [World Prison Brief Data – India](#). WPB.