

Statement Condemning Recent Police Brutality in Indian Universities

We, students, alumni and the wider community, at universities across the United States of America, condemn the brutal police violence unleashed against students at Jamia Millia Islamia University and at Aligarh Muslim University on December 15, 2019, as a gross violation of human rights under the Constitution of India and International Human Rights Law. We express full solidarity with students across universities in India who are peacefully protesting against the recent passing of the unconstitutional and discriminatory Citizenship Amendment Act.

The right to protest is a cornerstone of a constitutional democracy and is safeguarded as a fundamental right under Articles 19(1)(a) and 19(1)(b) of the Constitution of India. The right of all people to express their ideas and opinions through the medium of protest is also guaranteed through a number of core international human rights provisions, including the right to free expression under Article 19 of the ICCPR, which has been ratified by India.

Reports and accounts by journalists, students, lawyers, and activists (including credible information shared online) reveal horrific and excessive use of force by police and paramilitary against students. Any use of force by law enforcement must be within the strict confines of the principles of legality, legitimacy, necessity and proportionality under International Human Rights Law.

By every account, it appears that police and paramilitary, both at Jamia Milia Islamia University, and at Aligarh Muslim University, have used violence and pursued unlawful and reckless tactics against student protestors in violation of protections under the Constitution of India and International Human Rights law. The entry of police and paramilitary into University premises, indiscriminate attacks within the premises of the University including releasing tear gas in libraries, and brutal use of force against civilians is a blatant violation of the law and can only shock the conscience of any democratic society. Students have narrated that police rampaged through hostels and molested women on these campuses. Students from Jamia Milia Islamia were arbitrarily detained at police stations and were denied their constitutional right to access legal representation. These incidents of violence indicate complete negation of every norm that guide the functioning of the police in a democratic society governed by the rule of law. Seen further in the light of the fact that most victims of this brutality were Muslim, these incidents stand out as shocking instantiations of targeted violence against a minority group.

We also condemn the use of violence against protestors in Assam where [five people have died, including two minor boys who were shot by the police](#). This combined with the unlawful denial of access to the internet in the state has completely blocked news reports of events on the ground, including the ability of the protestors to represent their demands and report unlawful police action.

We are deeply concerned about the statement of the Hon'ble Chief Justice of India [terming](#) these protests as 'riots' and characterising this situation as simply one for the police to handle as a law and order problem, without recognising the violation of the rights of protestors, and especially the degree of violence unleashed on them.

We realize that our condemnation in this form can offer little succour to our fellow students who had to face the violence, and neither does it meaningfully resist the onslaught against constitutional norms. Nevertheless, in deep solidarity with our fellow students;

- We demand the cessation of violence by the police and their complete withdrawal from the university premises.
- We demand an immediate, independent, and robust investigation into the abuse of power by the Delhi Police, Uttar Pradesh Police, and the Central Reserve Police Force.
- We demand that student protestors be allowed to continue to protest peacefully in the exercise of their fundamental rights under the Indian Constitution without any threat of use of force by the police or other law enforcement agencies.
- We call upon officers of the Indian Police and Administrative Services to fulfil their duty to uphold the Constitution of India, and to resist any political demand to act in abuse of the powers that have been conferred upon them; and, to ensure police forces under their command act strictly in accordance with the constitutional, legal and ethical constraints that bind them.
- We call on the Minister of Home Affairs, Mr. Amit Shah, to immediately take these necessary steps to curb police brutality or resign.

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