

**16 December 2019**

**India: Authorities must cease the excessive use of force and ill-treatment of Citizenship (Amendment) Act 2019 protestors**

The Indian Police Service and the paramilitary Central Reserve Police Force must desist from the use of unlawful force and ill-treatment against demonstrators protesting the Citizenship (Amendment) Act. The Indian authorities must hold police and other public officials accountable for the human rights violations arising from these police actions, the International Commission of Jurists (ICJ) said today.

“The violent tactics that police have used over the past several days in Delhi, Uttar Pradesh, and other Indian states must cease and the government must address the legitimate concerns raised by the public about the discriminatory impacts of both the Citizenship Amendment Act and National Register of Indian Citizenship,” said Frederick Rawski, ICJ Asia Pacific Director. “Any officials who use excessive force, including the unlawful or disproportionate use of pellet guns or tear gas cannons against unarmed student protestors, must be fully and impartially investigated and held accountable for their actions.”

In its operations policing the demonstrations, the ICJ called on the authorities to abide by Indian Constitutional guarantees and international legal obligations on human rights. These protect persons from torture and ill-treatment and the rights to freedom of expression, association and assembly. They also require that police refrain from using unnecessary and disproportionate force and never use potentially lethal force unless to protect against an imminent threat to life.

The ICJ also called on the authorities to ensure that any person detained not be subjected to torture or other ill-treatment; have prompt and confidential access to counsel; and that those injured or otherwise provided with access to medical services.

“The police need to respond to prevent acts of violence, but they must use force only when strictly necessary. Potentially lethal force is only justifiably employed in self-defence or in defence of others against an imminent threat of death or serious injury,” said Frederick Rawski. “If arrests need to be made, they must be done without exception in accordance with the law, respecting the rights of detainees to have access to legal counsel, to be free of torture and other ill-treatment of any kind, and to receive needed medical treatment.”

The ICJ said that the authorities must undertake prompt, independent, impartial and thorough investigation of all allegations of unlawful use of force, with a view to holding accountable any responsible authorities and providing an effective remedy and reparation to victims.

## Background

In response to the passage of the Citizenship (Amendment) Act, 2019, protests erupted all over the country, including in Assam, Tripura, Meghalaya, Arunachal Pradesh, Delhi, West Bengal, Kerala, and Hyderabad.

In Delhi and Uttar Pradesh, yesterday, members of the police and Central Reserve Police Force forced their way onto the campuses of Jamia Milia University and the Aligarh Muslim University in response to protests against the Citizenship (Amendment) Act, 2019.

At Jamia Milia University, the police and Central Reserve Police Force used tear gas cannons upon students who had been reportedly protesting peacefully. Police entered the university library and beat students who were there studying for their exams. The police detained (and subsequently released) some 50 students. Some reported being beaten while in detention, held for over six hours in a locked police station, and denied access to lawyers and family. Medical attention was also reportedly denied to some injured students.

At Aligarh Muslim University, the police and Central Reserve Police Force reportedly demolished the gates, and used tear gas, pellet guns, and lathi (wooden sticks) charge. They were said to have entered student hostels, wherein they reportedly caused damage to one room which had students inside it. According to a lawyer at the University, at least one's student whereabouts is unknown and some 50 students and others have reported been injured, some severely. Some were reportedly taken to the hospital by the police.

The Citizenship (amendment) Act, 2019 amends the Citizenship Act, 1955, which governs questions of citizenship and aspects of lawfulness of migration status in India. The Act gives protected status to Hindu, Sikh, Jain, Parsi, Buddhist and Christian migrants from Pakistan, Afghanistan and Bangladesh, all Muslim-majority countries, who entered India on or before 31 December 2014. Similarly situated Muslims are categorized as "illegal migrants".

The Bill provides to the above-mentioned religious communities and countries an expedited route of citizenship giving them the opportunity to be eligible for citizenship by naturalization if they have lived or worked in India for six years, as opposed to twelve years, as otherwise required. The Bill controversially excludes from its ambit certain ethnic and religious groups, such as Muslims, in violation of international law and standards protecting against discrimination.

The Citizenship Amendment Act, 2019 which was adopted by the Lok Sabha (lower house of the Parliament) on 9 December and by the Rajya Sabha (upper house of the Indian Parliament) on 11 December 2019.

The ICJ issued a [statement](#) on 11 December calling for the Act to be repealed or amended. The ICJ considers that the implementation of the Act would violate the principles of non-discrimination, equal protection of the law and freedom of religion, guaranteed under international law and the Indian Constitution.

The United Nations Office of the High Commissioner for Human Rights also released a statement on 13 December called the Act "fundamentally discriminatory in nature" and that it would "undermine the commitment to equality before the law enshrined in India's constitution and India's obligations under the International Covenant on

Civil and Political Rights and the Convention for the Elimination of Racial Discrimination...”

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