

# **Lynchings and Other Fatal Attacks Targeting India's Muslims**

Submission of information to UN Special Procedures

*Submission made to the UN Special Procedures regarding instances of severe physical attacks by private actors against Muslims in India, resulting in their death. This submission documents 13 such incidents between April and September, 2023, resulting in 14 deaths.*

Submission Ref. # p8698p62

**SOUTHASIA  
JUSTICE  
CAMPAIGN**

[southasiajusticecampaign.org](https://southasiajusticecampaign.org)

29 September, 2023

## Description

The submission pertains to instances of severe physical attacks by private actors against Muslims in India, resulting in their deaths. Recently there is a trend of increasing inciteful speech encouraging violent attacks on religious minorities in India as well as a number of such attacks by non-State actors. Due to failure of authorities to prevent such incidents or respond by investigating adequately, the perpetrators often go unpunished. While police may make initial arrests in response to local outrage, independent investigation followed by convictions for such crimes are rare. The lack of accountability has led to widespread impunity, signaling tolerance and normalisation of such crimes. This submission documents 13 such incidents in the period between 7 April 2023 to 26 September 2023, resulting in the death of 13 Muslim men and 1 Muslim woman.

Bearing in mind that this submission is limited to a period just under six months and only pertains to targeted attacks against Muslims that resulted in their deaths, as well as being limited by information available to SAJC, it is not intended to be an exhaustive account of such attacks, but rather to provide recent evidence of this trend. In our earlier submission (Reference: d5j8io6a) dated 3 April 2023, we had submitted information about similar attacks resulting in the deaths of 13 Muslim men in the period from 25 September 2022 to 1 April 2023. These incidents reflect a pattern of hate crimes due to the victims' religious minority identity. In connection with the lynching of a Muslim man's parents in Uttar Pradesh due to his alleged relationship with a Hindu girl, it is relevant to note the numerous instances of hate speech peddling the conspiracy theory of 'love jihad' and inciting violence against Muslims on this basis. Our submission dated 28 September 2023 (Reference: 3q9b1op0) highlights such instances of inciting speech.

Reports indicate that state authorities have consistently failed to prevent, adequately investigate and prosecute such arbitrary deprivations of life by non-state actors. This submission deals with violent attacks targeted at civilians because of their religion-based identity and resulting in their death. The similarity in nature of these attacks across geographies indicates a discernible pattern in these incidents. Extremist Hindu groups are able to carry out acts of such acts of violence against vulnerable minorities such as Indian Muslims due to the authority they enjoy and their close ties with state actors including the police. The incidents reported in the states of Assam and Maharashtra (both governed by the Bharatiya Janata Party – BJP – also the ruling party in the Centre) indicate the involvement of cow vigilante groups and members of the Bajrang Dal, a violent Hindutva outfit closely linked with the BJP. Cow vigilante groups in northern India are known to act with powers derived from respective state legislations and hold considerable influence on police officials, often working jointly with them in identifying, targeting and carrying out raids on alleged criminals for cattle-theft etc. In lynching cases related to cow vigilantism, there are reports of obstacles such as delayed registration of the victims' First Information Reports (FIR) by the police, failure to take witness testimonies and intimidation by authorities including the possibility of counter-cases being lodged against the victims. Consequently, as discussed above, a prevailing sense of impunity signals the State's continued tolerance of such crimes.

Details of the specific incidents that occurred from 7 April 2023 to 26 September 2023 are enclosed as Annexure 1 (excel sheet titled 'Annexure 1 - Hate Crime Deaths'). A brief analysis of India's international law obligations in this regard is enclosed as Annexure 2.

**Reference:** p8698p62

**Date:** Friday, September 29, 2023

**Type:** Human rights violation

**Original:** English

**Consent:** The nature of the allegation is such that consent cannot be obtained, e.g. the victim(s) is/are dead or has/have been subject to an enforced disappearance

### Related mandates

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- religion or belief
- minority issues
- racism
- executions
- torture

### Victims

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#### Submitted by

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**Name:** South Asia Justice Campaign (SAJC)

**Type:** Group

**Email:** SAJCampaign@proton.me

**Describe the activities of the group/community, civil society or other entity:**

SAJC is a platform of individuals and groups committed to furthering justice, peace and harmony in South Asia. SAJC raises issues concerning justice and the rights of vulnerable groups, and works to bring South Asian communities together to foster peace, understanding and wellbeing.

### Disclosure

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**Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?**

No - The nature of the allegation is such that the victims' consent cannot be obtained since the victims are dead. However, since the information provided has primarily been collated from secondary sources (news reports) and is available in the public domain, we believe it would not be prejudicial to the victim to include this information.

**Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?**

No - The nature of the allegation is such that the victims' consent cannot be obtained since the victims are dead. However, since the information provided has primarily been collated from secondary sources (news reports) and is available in the public domain, we believe it would not be prejudicial to the victim to include this information.

### Case details

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**Country where the incident allegedly occurred/is occurring/might occur:** India

**District:** Assam, Bihar, Delhi, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh

**Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?**

The submission pertains to instances of severe physical attacks by private actors against Muslims in India, resulting in their deaths. Recently there is a trend of increasing inciteful speech encouraging violent attacks on religious minorities in India as well as a number of such attacks by non-State actors. Due to failure of authorities to prevent such incidents or respond by investigating adequately, the perpetrators often go unpunished. While police may make initial arrests in response to local outrage, independent investigation followed by convictions for such crimes are rare. The lack of accountability has led to widespread impunity, signaling tolerance and normalisation of such crimes. This submission documents 13 such incidents in the period between 7 April 2023 to 26 September 2023, resulting in the death of 13 Muslim men and 1 Muslim woman.

Bearing in mind that this submission is limited to a period just under six months and only pertains to targeted attacks against Muslims that resulted in their deaths, as well as being limited by information available to SAJC, it is not intended to be an exhaustive account of such attacks, but rather to provide recent evidence of this trend. In our earlier submission (Reference: d5j8io6a) dated 3 April 2023, we had submitted information about similar attacks resulting in the deaths of 13 Muslim men in the period from 25 September 2022 to 1 April 2023. These incidents reflect a pattern of hate crimes due to the victims' religious minority identity. In connection with the lynching of a Muslim man's parents in Uttar Pradesh due to his alleged relationship with a Hindu girl, it is relevant to note the numerous instances of hate speech peddling the conspiracy theory of 'love jihad' and inciting violence against Muslims on this basis. Our submission dated 28 September 2023 (Reference: 3q9b1op0) highlights such instances of inciting speech.

Reports indicate that state authorities have consistently failed to prevent, adequately investigate and prosecute such arbitrary deprivations of life by non-state actors. This submission deals with violent attacks targeted at civilians because of their religion-based identity and resulting in their death. The similarity in nature of these attacks across geographies indicates a discernible pattern in these incidents. Extremist Hindu groups are able to carry out acts of such violence against vulnerable minorities such as Indian Muslims due to the authority they enjoy and their close ties with state actors including the police. The incidents reported in the states of Assam and Maharashtra (both governed by the Bharatiya Janata Party – BJP – also the ruling party in the Centre) indicate the involvement of cow vigilante groups and members of the Bajrang Dal, a violent Hindutva outfit closely linked with the BJP. Cow vigilante groups in northern India are known to act with powers derived from respective state legislations and hold considerable influence on police officials, often working jointly with them in identifying, targeting and carrying out raids on alleged criminals for cattle-theft etc. In lynching cases related to cow vigilantism, there are reports of obstacles such as delayed registration of the victims' First Information Reports (FIR) by the police, failure to take witness testimonies and intimidation by authorities including the possibility of counter-cases being lodged against the victims. Consequently, as discussed above, a prevailing sense of impunity signals the State's continued tolerance of such crimes.

Details of the specific incidents that occurred from 7 April 2023 to 26 September 2023 are enclosed as Annexure 1 (excel sheet titled 'Annexure 1 - Hate Crime Deaths'). A brief analysis of India's international law obligations in this regard is enclosed as Annexure 2.

**Are there witnesses to the incident?** Don't know

**Is there evidence or substantiating information concerning the incident?** Don't know

**Does the alleged victim believe she/he was targeted due to her/his** Belonging to a specific group, Engagement in human rights, trade union, political, religious activities or other types of activities, Religious background

**Has the incident been reported to the relevant authorities?** Yes

**Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)?** Yes

**What is the status or what has been the outcome of these proceedings?**

As set out in Annexure 1, the police have commenced investigations and made some arrests in the reported cases. However, in cases with victims belonging to the minority community, in-depth investigation followed by convictions for the crime are rare. There are no reports of compensation to families of the victims.

**Is this case under consideration by any other international or regional body?** Don't know

**religion or belief**

**Please indicate the denomination of the religion or belief of the alleged victim(s).**

Muslims / Islam

**Do you believe the alleged victim was specifically targeted because of her/his religious or belief? Please specify.**

Yes, in many cases, the perpetrators targeted Muslims either directly for their religious belief and affiliation to Islam, or in the context of hate speech peddling conspiracy theories surrounding cow slaughter and inter-religious relationships and inciting violence. The perpetrators are likely to have been emboldened in their attacks due to the victims' identity as members of a religious minority, and the sense of prevailing impunity signaling tolerance of such crimes.

**executions**

**Others (death in custody, death during an armed conflict, death due to excessive use of force by law enforcement officials, death due to attack by security forces of State, paramilitary or private forces, breach of obligation to investigate, etc)**

Each of these incidents has involved hate crimes by non-state actors which have taken the form of brutal assaults on individual Muslim men, resulting in their death. In many cases, the perpetrators were emboldened in their attacks due to the victims' identity as members of a religious minority, and the sense of prevailing impunity signaling tolerance of such crimes. Further details of the executions of Muslims in Assam, Bihar, Delhi, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh by non-state actors that occurred from 7 April 2023 to 26 September 2023 are enclosed in Annexure 1 (excel sheet titled 'Annexure 1 -Hate Crime Deaths').

**torture**

**Perpetrators**

**Please specify the number of alleged perpetrators:** 300

**Is the identity/occupation of the alleged perpetrator(s) known?** No

**Were the alleged perpetrators State agents or believed to be State agents?** No

**Were the alleged perpetrators non-state actors such as private individuals or groups, military or security companies, or business enterprises?** Yes

The available information about alleged perpetrators is set out in Annexure 1 to this submission.

**Are they associated with a state institution?** Yes

In the incidents in Assam and Maharashtra, perpetrators are members of a militant Hindutva group Bajrang Dal (loosely translated as Hanuman's Brigade) which is closely linked with the Bharatiya Janata Party, which forms the government in both states and at the Centre.

## Annexure 1 – Hate Crime Deaths - September 2023

No.	Date	Location	Victim	Perpetrator(s)	Details of the Incident	Police Response	Sources
1	7 April 2023	Ranchi, Jharkhand	Wajid Ansari	Mob of about 20 people	The victim, a painter by profession, was tied to a pole and brutally beaten to death over an alleged theft in Mahuatoli village in Ranchi, Jharkhand. The victim's father said that the accusation was false and the villagers were unable to show anything that Wajid had stolen. The victim was taken to the hospital in an unconscious state but could not be saved.	Police had arrested three people under charges of murder: Jeevan Oraon, Govardhan Oraon and Nandu. No further updates on the investigation are available.	<a href="https://www.telegraphindia.com/jharkhand/20-year-old-youth-beaten-to-death-in-jharkhand/cid/1928294">https://www.telegraphindia.com/jharkhand/20-year-old-youth-beaten-to-death-in-jharkhand/cid/1928294</a> <a href="https://scroll.in/latest/1047082/jharkhand-20-year-old-man-beaten-to-death-on-suspicion-of-theft">https://scroll.in/latest/1047082/jharkhand-20-year-old-man-beaten-to-death-on-suspicion-of-theft</a> <a href="https://www.hindustantimes.com/cities/ranchi-news/three-arrested-for-murder-after-mob-beats-man-to-death-in-ranchi-district-theft-case-ranchi-mobjustice-murder-101680956526221.html">https://www.hindustantimes.com/cities/ranchi-news/three-arrested-for-murder-after-mob-beats-man-to-death-in-ranchi-district-theft-case-ranchi-mobjustice-murder-101680956526221.html</a> <a href="https://indianexpress.com/article/india/three-held-for-beating-man-to-death-ranchi-village-8545969/">https://indianexpress.com/article/india/three-held-for-beating-man-to-death-ranchi-village-8545969/</a>
2	Body discovered on 9 April 2023	Khandwa, Madhya Pradesh	Sheikh Firoz	Mob of 8 to 10 people	The victim who worked as a welder was beaten and stabbed to death by a mob. His body was discovered in a drain on 9 April 2023. The victim's body had multiple stab wounds and bruises. The police reported that village locals had killed him after he was caught stealing chickpeas. However, the victim's relatives claim that the killing was carried out by a former village headman and his followers, who beat him to death after discovering that he was a Muslim man.	The police indicated that they registered a case and investigation was ongoing. No further updates on the investigation are available.	<a href="https://maktoobmedia.com/latest-news/muslim-youth-lynched-in-madhya-pradesh-over-suspected-theft/">https://maktoobmedia.com/latest-news/muslim-youth-lynched-in-madhya-pradesh-over-suspected-theft/</a> <a href="https://cjp.org.in/madhya-pradesh-another-life-lost-for-belonging-to-a-religious-minority-muslim-youth-lynched-on-suspicion-of-theft/">https://cjp.org.in/madhya-pradesh-another-life-lost-for-belonging-to-a-religious-minority-muslim-youth-lynched-on-suspicion-of-theft/</a> <a href="https://theprint.in/india/mp-man-allegedly-thrashed-to-death-for-stealing-sacks-of-gram-in-khandwa-probe-on/1508867/">https://theprint.in/india/mp-man-allegedly-thrashed-to-death-for-stealing-sacks-of-gram-in-khandwa-probe-on/1508867/</a>
3	Body discovered on 10 June 2023	Nashik, Maharashtra	Lukman Ansari	Mob of cow vigilantes associated with the Rashtriya Bajrang Dal	The victim was lynched to death by cow vigilantes and his body was recovered from a gorge at Ghatandevi in the Igatpuri area. The victim was intercepted by cow vigilantes while transporting cattle in his car. Ansari and his two aides were beaten, resulting in Ansari killed.	Police have arrested 6 cow vigilantes, all associated with the Rashtriya Bajrang Dal. They have registered two cases including one of murder. No further updates on the investigation are available.	<a href="https://www.newindianexpress.com/nation/2023/jun/14/maharashtra-man-transporting-cattle-lynched-by-gaurakshaks-2584972.html">https://www.newindianexpress.com/nation/2023/jun/14/maharashtra-man-transporting-cattle-lynched-by-gaurakshaks-2584972.html</a> <a href="https://www.thehindu.com/news/national/other-states/nashik-police-probing-why-lynching-victim-bought-cattle/article66972411.ece">https://www.thehindu.com/news/national/other-states/nashik-police-probing-why-lynching-victim-bought-cattle/article66972411.ece</a>

							<a href="https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india">https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india</a>
4	24 June 2023	Nashik, Maharashtra	Afan Abdul Ansari	Hindutva mob	The victim was lynched to death by cow vigilantes in Maharashtra's Nashik district when he was transporting meat which the vigilantes suspected was beef. The vigilantes brutally assaulted the victim along with another man, Nasir Hussain, who was with the victim in the car. Hussain was severely injured and admitted in KEM hospital in a critical condition with a brain injury. Reports indicate that the perpetrators intercepted the victims' car, dragged them out and assaulted them. The victims were taken to a forest and tied to a tree where they were beaten with iron rods, pipes and shoes for nearly three hours before their brutalised bodies were dumped on the highway with their hands tied behind his back.	The police registered complaints against 11 men for the murder, and also registered cases against Ansari and Hussain under Maharashtra's Prevention of Cruelty to Animals Act, on allegations of transporting banned meat. No further updates on the investigation are available.	<a href="https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india">https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india</a> <a href="https://www.timesnownews.com/india/maharashtra-muslim-man-beaten-to-death-by-mob-on-suspicion-of-carrying-beef-in-nashik-article-101281654">https://www.timesnownews.com/india/maharashtra-muslim-man-beaten-to-death-by-mob-on-suspicion-of-carrying-beef-in-nashik-article-101281654</a>
5	28 June 2023	Saran, Bihar	Mohammad Zahiruddin	Hindutva mob	The victim, a 55-year-old Muslim truck driver was lynched to death in Bihar's Saran district on 28 June 2023. The victim's truck, which was transporting animal bones for medicinal purposes, broke down and stopped for repairs. A group of local villagers suspected the victim was transporting beef and started to beat him. While the truck's helper Khurshid Ali fled the spot to save his life, the victim could not run away because of an old leg injury. He was beaten by the mob and died on the spot.	The police said that seven people were arrested and further raids were being conducted to arrest others. No further updates on the investigation are available.	<a href="https://www.newindianexpress.com/nation/2023/jun/29/police-watch-as-muslim-truck-driver-lynched-in-bihars-saranahead-of-eid-ul-adha-2589782.html">https://www.newindianexpress.com/nation/2023/jun/29/police-watch-as-muslim-truck-driver-lynched-in-bihars-saranahead-of-eid-ul-adha-2589782.html</a> <a href="https://www.thehindu.com/news/national/other-states/disabled-muslim-truck-driver-killed-on-suspicion-of-carrying-beef-in-bihars-saran-district/article67027880.ece">https://www.thehindu.com/news/national/other-states/disabled-muslim-truck-driver-killed-on-suspicion-of-carrying-beef-in-bihars-saran-district/article67027880.ece</a>

6	25 July 2023	Morigaon, Assam	Saddam Hussain	Hindu mob	The victim along with three other Muslim youths was caught by a mob on suspicion of cattle theft and beaten badly. The victim succumbed was lynched to death on July 25th in Assam's Morigaon district. He was part of a group of five Muslim men who had gone to watch a local sports match. They were apprehended on their way back home, and beaten for allegedly stealing cattle even though the group was all on motorbikes. His family allege the involvement of local Bajrang Dal leader named Vishal in the killing.	The police stated that a case had been registered but no arrests had been made. No further updates on the investigation are available.	<a href="https://maktoobmedia.com/features/muslim-youth-lynched-to-death-in-assams-morigaon-survivor-says-familiar-men-among-mob/">https://maktoobmedia.com/features/muslim-youth-lynched-to-death-in-assams-morigaon-survivor-says-familiar-men-among-mob/</a> <a href="https://twitter.com/HindutvaWatchIn/status/1685880030482649088">https://twitter.com/HindutvaWatchIn/status/1685880030482649088</a> <a href="https://hubnetwork.in/assam-man-lynched-two-injured-on-suspicion-of-cattle-theft-in-morigaon/">https://hubnetwork.in/assam-man-lynched-two-injured-on-suspicion-of-cattle-theft-in-morigaon/</a>
7	12 August 2023	Hojai, Assam	Hifzur Rahman	Mob	The victim was caught by the mob and beaten on the night of 12 August 2023 on suspicion of stealing cattle and succumbed to his injuries. The assault left him severely injured and he died of his injuries in hospital following the assault.	The police identified eight individuals suspected of being involved in the lynching and six were arrested. No further updates on the investigation are available.	<a href="https://clarionindia.net/assam-muslim-man-lynched-over-cow-theft-6-held/">https://clarionindia.net/assam-muslim-man-lynched-over-cow-theft-6-held/</a>
8	17 August 2023	Darrang, Assam	Majibul Haque	Hindu mob	The victim was lynched on August 17 in Darrang, Assam. He was attacked and killed by a mob for allegedly stealing goats.	The police said they had arrested 14 people from Padmajhar and a neighbouring village in connection with the murder. No further updates on the investigation are available.	<a href="https://www.financialexpress.com/india-news/assam-two-persons-lynched-in-separate-incidents-in-darrang-tamulpur-districts/3214712/">https://www.financialexpress.com/india-news/assam-two-persons-lynched-in-separate-incidents-in-darrang-tamulpur-districts/3214712/</a> <a href="https://indianexpress.com/article/india/assam-4-lynchings-dgp-8897182/">https://indianexpress.com/article/india/assam-4-lynchings-dgp-8897182/</a> <a href="https://thewire.in/rights/assam-4-lynchings-in-a-month-dgp-says-action-to-be-taken-irrespective-of-caste-creed-religion">https://thewire.in/rights/assam-4-lynchings-in-a-month-dgp-says-action-to-be-taken-irrespective-of-caste-creed-religion</a>
9	17 August 2023	Alwar, Rajasthan	Wasim	Forest officials and local residents	The victim, who is a Meo Muslim, was intercepted and assaulted along with his companions Asif and Azharuddin, on allegations of illegally chopping wood. The assailants, purportedly comprising forest officials and local residents. The victim and his companions were beaten with iron rods, wooden sticks and sharp weapons, and the assault continued even after the arrival of the police. subjected to a was lynched to death by a mob on suspicion of chopping wood on the night of August 17 in Alwar, Rajasthan. Two	The police detained 10 persons including four forest officials for interrogations. No further updates on the investigation are available.	<a href="https://news.abplive.com/states/muslim-youth-killed-2-injured-in-case-of-mob-lynching-in-rajasthan-s-alwar-1623972">https://news.abplive.com/states/muslim-youth-killed-2-injured-in-case-of-mob-lynching-in-rajasthan-s-alwar-1623972</a> <a href="https://indianexpress.com/article/india/rajasthan-man-killed-wood-cow-smuggling-forest-officials-8899823/">https://indianexpress.com/article/india/rajasthan-man-killed-wood-cow-smuggling-forest-officials-8899823/</a> <a href="https://www.thehindu.com/news/national/other-states/muslim-youth-lynched-in-alwar-on-suspicion-on-">https://www.thehindu.com/news/national/other-states/muslim-youth-lynched-in-alwar-on-suspicion-on-</a>

					of his associates were injured in the attack. The family of the victim allege that the mob shouted 'Mullo ko kato' (Cut these Muslims) while attacking them.		<a href="https://www.hindustantimes.com/india-news/muslim-man-lynched-in-alwar-over-chopping-wood-rajasthan-minister-slams-bjp-for-nuh-violence-101692429175144.html">chopping-wood-in-forest/article67211005.ece</a> <a href="https://www.hindustantimes.com/india-news/muslim-man-lynched-in-alwar-over-chopping-wood-rajasthan-minister-slams-bjp-for-nuh-violence-101692429175144.html">https://www.hindustantimes.com/india-news/muslim-man-lynched-in-alwar-over-chopping-wood-rajasthan-minister-slams-bjp-for-nuh-violence-101692429175144.html</a> <a href="https://twitter.com/HindutvaWatchIn/status/1692741664555618680">https://twitter.com/HindutvaWatchIn/status/1692741664555618680</a>
10	18 August 2023	Sitapur, Uttar Pradesh	Abbas Ali	Hindu mob	The victim and his wife, Kamrul Nisha, were beaten to death with iron rods and sticks by a Hindu mob because their son was allegedly in a relationship with a Hindu girl. Their son had already been arrested and sent to jail after the girl's family lodged an abduction complaint against him.	The state police arrested three persons in connection with the crime. No further updates on the investigation are available.	<a href="https://www.independent.co.uk/asia/india/muslim-couple-killed-sitapur-uttar-pradesh-india-b2396193.html">https://www.independent.co.uk/asia/india/muslim-couple-killed-sitapur-uttar-pradesh-india-b2396193.html</a> <a href="https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news">https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news</a> <a href="https://www.newindianexpress.com/nation/2023/aug/20/muslim-couple-beaten-to-death-in-upts-sitapur-over-sons-relationship-with-a-hindu-girl-2607101.html">https://www.newindianexpress.com/nation/2023/aug/20/muslim-couple-beaten-to-death-in-upts-sitapur-over-sons-relationship-with-a-hindu-girl-2607101.html</a>
11	18 August 2023	Sitapur, Uttar Pradesh	Kamrul Nisha	Hindu mob	The victim and his wife, Kamrul Nisha, were beaten to death with iron rods and sticks by a Hindu mob because their son was allegedly in a relationship with a Hindu girl. Their son had already been arrested and sent to jail after the girl's family lodged an abduction complaint against him.	The state police arrested three persons in connection with the crime. No further updates on the investigation are available.	<a href="https://www.independent.co.uk/asia/india/muslim-couple-killed-sitapur-uttar-pradesh-india-b2396193.html">https://www.independent.co.uk/asia/india/muslim-couple-killed-sitapur-uttar-pradesh-india-b2396193.html</a> <a href="https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news">https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news</a> <a href="https://www.newindianexpress.com/nation/2023/aug/20/muslim-couple-beaten-to-death-in-upts-sitapur-over-sons-relationship-with-a-hindu-girl-2607101.html">https://www.newindianexpress.com/nation/2023/aug/20/muslim-couple-beaten-to-death-in-upts-sitapur-over-sons-relationship-with-a-hindu-girl-2607101.html</a>
12	22 August 2023	Ramgarh, Jharkhand	Shamshad Ansari	Mob	The victim was waylaid in an isolated spot, stripped and beaten to death. The police stated that it was not a hate crime, but the victim had been caught by the assailants due to his involvement in a case of theft.	The police arrested five people in connection with the crime. No further updates on the investigation are available.	<a href="https://www.newsclick.in/muslim-man-beaten-death-jharkhand-police-deny-lynching">https://www.newsclick.in/muslim-man-beaten-death-jharkhand-police-deny-lynching</a>

13	10 September 2023	Satara, Maharashtra	Nurul Hassan	Mob of 150-200 Hindu men	The victim was killed by being beaten on his head with an iron rod multiple times by a Hindu mob that attacked a mosque where the victim was attending evening prayers. The mob surrounded the mosque, began chanting anti-Muslim slogans and making inflammatory remarks about Islam. The victim's uncle stated that about 150-200 Hindu men gathered outside the mosque and began throwing stones. The mob then broke the mosque's door and barged in, and attacked those present with sharp weapons, iron rods, batons and pieces of granite. They began attacking those present. The victim was declared dead upon arriving at the health centre, with severe head, neck and chest injuries being the cause of death.	The police have arrested a Hindu man, Amar Arjun Shinde, who hacked into a Muslim minor's Instagram account to post 'objectionable content' about Chhatrapati Shivaji, a revered Hindu king from the 17 <sup>th</sup> century. The post went viral, triggering communal tensions in the area.	<a href="https://www.aljazeera.com/news/2023/9/15/shattered-muslim-engineer-killed-by-mob-at-mosque-in-indias-maharashtra">https://www.aljazeera.com/news/2023/9/15/shattered-muslim-engineer-killed-by-mob-at-mosque-in-indias-maharashtra</a> <a href="https://www.thequint.com/news/india/satara-communal-riots-victim-leaves-behind-pregnant-wife-parents-debt">https://www.thequint.com/news/india/satara-communal-riots-victim-leaves-behind-pregnant-wife-parents-debt</a> <a href="https://www.thehindu.com/news/national/other-states/in-maharashtras-satara-murder-during-a-prayer/article67334686.ece">https://www.thehindu.com/news/national/other-states/in-maharashtras-satara-murder-during-a-prayer/article67334686.ece</a> <a href="https://indianexpress.com/article/cities/pune/communal-clash-satara-fire-social-media-internet-suspended-8934253/">https://indianexpress.com/article/cities/pune/communal-clash-satara-fire-social-media-internet-suspended-8934253/</a>
14	26 September 2023	Delhi	Isaar Ahmed	Hindu mob	The victim, a 26-year-old Muslim youth, was beaten to death by a Hindu mob in Sunder Nagri in north-east Delhi. The police indicated that the assault began when the perpetrators suspected the victim of theft and questioned him, but the victim was unable to reply to questions as he was mentally challenged. They tied the victim to an electricity pole and beat him with sticks and belts to the point of death. Videos of the incident showed a group of men taking turns to assault the victim who is seen crying in pain and pleading with them to stop beating him. The victim's family stated that he was beaten for eating 'prasad' (offerings to a Hindu deity) at a religious event.	The Delhi Police have arrested seven persons, including a juvenile.	<a href="https://www.aljazeera.com/news/2023/9/28/muslim-man-lynched-in-india-for-taking-a-banana-at-hindu-temple-event">https://www.aljazeera.com/news/2023/9/28/muslim-man-lynched-in-india-for-taking-a-banana-at-hindu-temple-event</a> <a href="https://twitter.com/PTI_News/status/1706945082564149590">https://twitter.com/PTI_News/status/1706945082564149590</a> <a href="https://www.india.com/news/delhi/delhi-sunder-nagri-horror-mentally-challenged-man-tied-to-pole-beaten-to-death-for-stealing-prasad-theft-accused-isar-ahmad-muslim-man-beaten-isaar-ahmed-abdul-wajid-watch-viral-video-trending-news-6360790/">https://www.india.com/news/delhi/delhi-sunder-nagri-horror-mentally-challenged-man-tied-to-pole-beaten-to-death-for-stealing-prasad-theft-accused-isar-ahmad-muslim-man-beaten-isaar-ahmed-abdul-wajid-watch-viral-video-trending-news-6360790/</a> <a href="https://scroll.in/latest/1056684/man-beaten-to-death-on-suspicion-of-theft-in-delhi">https://scroll.in/latest/1056684/man-beaten-to-death-on-suspicion-of-theft-in-delhi</a>

## Annexure 2 – Legal Analysis

The incidents described in the submission (Reference: p8698p62) amount to a violation of India’s obligations under international human rights law, as described below:

### a. Right to Life

The incidents detailed are cases of physical attacks by private actors against Muslim men resulting in their death. The perpetrators, while not directly the state actors, had close links to state actors in some of the cases. Arbitrary deprivation of life by the perpetrators and failure of the state to prevent such arbitrary deprivation of life violates the victims’ right to life, which India is obligated to safeguard, as below:

- i. Article 3 of the Universal Declaration of Human Rights (UDHR) guarantees the right to life, liberty and security of person.
- ii. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) provides that the right to life is inherent and non-derogable, and goes on to state that no one shall be arbitrarily deprived of their life. The second sentence of Article 6(1) provides that the right to life “shall be protected by law”. Extrajudicial killings are completely devoid of due process and present no opportunity to the victims to defend themselves in accordance with the due process and rule of law, and therefore, are arbitrary deprivations of the right to life.
- iii. The Human Rights Committee has clarified that the obligation on States under Article 6 of the ICCPR extends to an obligation to protect individuals from reasonably foreseeable threats to life or bodily integrity, including those from private persons and entities.<sup>1</sup> The duty to protect the right to life requires State parties to take special protective measures for persons in situations of vulnerability who have been placed at particular risk because of specific threats, which in the case of India, would include religious minorities who are at risk of violence. In the broader context of religious intolerance and persecution prevalent in the country, it can be argued that the targeted attacks by non-state actors detailed in this submission were foreseeable, and that the state failed to take adequate measures to prevent such foreseeable arbitrary deprivations of life.

### b. Prohibition of torture or other cruel, inhuman or degrading treatment

In each of the incidents described, the victims were subjected to severe physical violence and abuse amounting to torture or other cruel, inhuman or degrading treatment. As mentioned above, while the perpetrators were non-state actors, in some cases, they had strong ties to state actors. A failure to prevent such incidents, conduct investigations and prosecute perpetrators is a violation of India’s obligations under international human rights law as follows:

- i. Articles 7 and 9 of the ICCPR establish the prohibition of torture or to cruel, inhuman or degrading treatment or punishment and the right to security of person.
- ii. Articles 2 and 16 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) require States to prevent occurrences of torture or ill-

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<sup>1</sup> UN Human Rights Committee (HRC), *General comment no. 36, Article 6 (Right to Life)*, 3 September 2019, CCPR/C/GC/35, available at: <https://www.refworld.org/docid/5e5e75e04.html> [accessed 29 September 2023].

treatment. Further, Articles 7 and 12 of the CAT require prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed along with the prosecution of perpetrators of such acts.

**c. Rights of minorities**

The incidents described pertain to Muslim men being targeted, brutalised and arbitrarily deprived of their life. The victims were targeted on account of their religious minority identity (Muslim), and with a brazen assurance that the perpetrators belonging to the majority religion (Hindu) would continue to enjoy impunity for their actions. In this context, it is relevant to note the following provisions of international human rights law:

- i. Article 27 of the ICCPR as well as the United Nations 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities) refer to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end.
- ii. The Declaration on Minorities also requires States to adopt measures to ensure that persons belonging to minorities can exercise their human rights without discrimination, and that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination.

It can, therefore, be argued that the incidents detailed in in the submission (Reference: p8698p62) reflect India's failure to comply with its obligation to protect the rights of minority communities, including Muslims in India.

**d. Effective remedy and access to justice**

International law guarantees the right to an effective remedy for victims of human rights violations. It includes, inter alia, the duty to investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, to take action against those allegedly responsible in accordance with domestic and international law, and provide victims with equal and effective access to justice and reparation. The cases described in the submission illustrate the consistent failure of state authorities to adequately prevent, investigate and prosecute targeted attacks by non-state actors, thereby resulting in the arbitrary deprivation of life.

In permitting such activities to continue without interference and failing to take punitive action against perpetrators, India is in violation of the following obligations under international human rights law:

- i. Article 7 of the UDHR entitles persons to equal protection of the law and Article 8 recognises the right to an effective remedy for violations of rights.
- ii. Article 2(1) of the ICCPR requires the State to respect and ensure all individuals within its territory and subject to its jurisdiction have access to rights under the ICCPR without making any distinctions, including on the basis of religion. Article 2(3) requires that the State should take appropriate legislative and administrative and other measures to prevent human rights

violations. Further, it places an obligation on the State to investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those responsible in accordance with domestic and international law; and provide those who claim to be victims of a human rights violation with equal and effective access to justice and reparation. The Human Rights Committee has observed that there is a positive obligation on States to ensure protection of rights of individuals against violations by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate or redress the harm caused by non-state actors.<sup>2</sup> Therefore, a failure to investigate and to bring perpetrators of such violations to justice can itself result in a separate breach of the ICCPR.

- iii. The right to remedies and equal treatment is also set out in *inter alia* Article 5(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 37 and 40 of the Convention on the Rights of the Child (CRC), Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD) and Articles 20 to 24 of the International Convention for the Protection of All Persons from Enforced Disappearance (CPEd).
- iv. Principle 9 of the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provides that all suspected cases of extra-legal, arbitrary and summary executions must be thoroughly, promptly and impartially investigated.<sup>3</sup>

In addition to contravening international law obligations, by failing to investigate these crimes effectively and ensure accountability, state authorities are also violating requirements under domestic Indian law. Timelines and other requirements set out under the Code of Criminal Procedure, 1973 are routinely violated. Further, the Supreme Court of India has also issued guidelines regarding investigations into such hate crimes and mob violence/lynching. For instance, in the *Tehseen Poonawalla case*<sup>4</sup>, the Supreme Court prescribed preventive, remedial and punitive measures, including directions to the police to lodge an FIR without any undue delay, to ensure that family members of the victim(s) are not harassed and to ensure that the charge-sheet in such cases is filed within the statutory period. The guidelines further referred to specially designated fast track courts that would deal with such cases and conclude them preferably within six months of taking cognizance and also made provisions for compensation to the families of victims. However, investigations into such cases routinely fail to comply with these requirements.

Separately, it is relevant to note that, even though these murders have been cases where members of powerful majority communities targeted individuals belonging to a religious minority, the police have proceeded as if the identity of the victims and perpetrators are of no consequence to the act of violence, in many cases actively denying any such connection. Accordingly, the incidents are

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<sup>2</sup> HRC, *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at: <https://www.refworld.org/docid/478b26ae2.html> [accessed 31 March 2023]

<sup>3</sup> United Nations, *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, 24 May 1989, available at: <https://www.refworld.org/docid/3ae6b39128.html> [accessed 31 March 2023]

<sup>4</sup> *Tehseen S. Poonawalla v Union of India* (2019) 15 SCC 649.

not acknowledged as hate crimes. India does not have strong hate crime laws, but certain provisions in the Indian Penal Code can be used to target hate crimes.<sup>5</sup> It is notable that even where an FIR is filed by the police recording the offence, reports indicate that the police do not initiate proceedings under these provisions, thereby treating the crimes as ordinary murders rather than targeted identity-based hate crimes.

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<sup>5</sup> Sections 153A and 153 B of the Indian Penal Code forbid acts that would disturb social order and harmony and are to be used in incidents involving hate crimes.



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