

Lynchings and Other Fatal Attacks Targeting India's Muslims

Submission of information to UN Special Procedures

Submission made to the UN Special Procedures regarding the rise in hate crimes, specifically lynchings targeting Muslims, in the aftermath of India's 2024 parliamentary elections. This submission documents 13 such incidents between June and August, 2024, resulting in 15 deaths.

Submission Ref. # ou8uxol9

**SOUTHASIA
JUSTICE
CAMPAIGN**

southasiajusticecampaign.org

20 September, 2024

Description

The submission pertains to instances of severe physical attacks by extremist mobs, and in some cases organised Hindu nationalist groups, against Muslims in India, resulting in their deaths. It highlights the rise in hate crimes, specifically lynchings targeting Muslim men in India, in the aftermath of the 2024 General Election to the Lok Sabha, which was concluded on 1 June 2024 (**2024 GE**). It is relevant to note that the election period saw a marked worsening of anti-minority rhetoric, with the senior-most leaders of the Bharatiya Janata Party (BJP), led by Prime Minister (PM) Narendra Modi, using speech that demonised and dehumanised India's Muslims as part of their election campaign. More information regarding this anti-minority rhetoric is set out in our earlier submission (reference: Oveneruf dated 27 June 2024). The 2024 GE saw BJP emerging, yet again, as the largest single party, albeit without a majority, and the BJP eventually formed the government, in coalition with other members of the National Democratic Alliance (NDA) bloc that it leads. This submission documents 13 such incidents in the short period of less than three months from 4 June 2024, when the results of the 2024 GE were announced, till 31 August 2024, resulting in the death of 14 Muslim men and 1 Hindu youth whom the perpetrators believed to be Muslim.

Bearing in mind that this submission is limited to a period of less than three 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 submissions (Reference d5j8io6a dated 3 April 2023; Reference 9e3gol8z dated 15 May 2023; and Reference p8698p62 dated 29 September 2023, we had submitted information about similar attacks resulting in the deaths of 27 individuals in the period from September 2022 to September 2023. These incidents reflect a pattern of hate crimes due to the victims' religious minority identity. In fact, the Human Rights Committee, in its concluding observations on India's fourth periodic report under the ICCPR, expressed its concern about attacks by cow vigilantes, and called upon India to consider adopting national legislation to outlaw violence and lynching by cow vigilantes.

State authorities have consistently failed to prevent, adequately investigate and prosecute such arbitrary deprivations of life by anti-minority extremist groups. As a result, the perpetrators often go unpunished. While police occasionally 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, signalling tolerance for and normalisation of such crimes.

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 some of the states indicate the

involvement of local cow vigilante groups and members of the Bajrang Dal, a violent Hindutva outfit closely linked with the BJP. Cow vigilante groups in some Indian states 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. As an [example](#), on 31 August 2024, a 72-year-old Muslim man, Ashraf Ali Sayyed Hussain was taunted and severely beaten by Hindu men after being falsely accused of carrying beef on a train. The initial response of the police was to downplay the incident and refuse to register a case. It was only after widespread outrage due to the video going viral that the police registered an FIR, but even then, they only invoked minor sections of the criminal code, resulting in immediate bail for the men arrested. Further outrage prompted the police to invoke more serious provisions of the criminal code, but while bail was cancelled, the men were not rearrested. In another such instance, the police [registered](#) a case against Muslim journalists for sharing a post regarding the lynching of a Muslim man in Shamli, Uttar Pradesh in July 2024.

Details of the specific incidents that occurred from 4 June 2024 to 4 September 2024 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: ou8uxo19**Date:** Friday, September 20, 2024**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

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

Victims

Submitted by

Name: South Asia Justice Campaign (SAJC)**Type:** Group**Email:** southasiajusticecampaign@protonmail.com**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

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

Country where the incident allegedly occurred/is occurring/might occur: India**District:** Districts of Raipur in Chhattisgarh; Anand and Diyodar in Gujarat; Kodermai, Pakur and Ranchi in Jharkhand; Aligarh, Charkhi Dadri, Faridabad and Shamli in Uttar Pradesh; Haridwar in Uttarakhand; and Kolkata in West Bengal**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 extremist mobs, and in some cases organised Hindu nationalist groups, against Muslims in India, resulting in their deaths. It highlights the rise in hate crimes, specifically lynchings targeting Muslim men in India, in the aftermath of the 2024 General Election to the Lok Sabha, which was concluded on 1 June 2024 (2024 GE). It is relevant to note that the election period saw a marked worsening of anti-minority rhetoric, with the senior-most leaders of the Bharatiya Janata Party (BJP), led by Prime Minister (PM) Narendra Modi, using speech that demonised and dehumanised India's Muslims as part of their election campaign. More information regarding this anti-minority rhetoric is set out in our earlier submission (reference: 0veneruf dated 27 June 2024). The 2024 GE saw BJP emerging, yet again, as the largest single party, albeit without a majority, and the BJP eventually formed the government, in coalition with other members of the National Democratic Alliance (NDA) bloc that it leads. This submission documents 13 such incidents in the short period of less than three months from 4 June 2024, when the results of the 2024 GE were announced, till 31 August 2024, resulting in the death of 14 Muslim men and 1 Hindu youth whom the perpetrators believed to be Muslim.

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May 2023; and Reference p8698p62 dated 29 September 2023, we had submitted information about similar attacks resulting in the deaths of 27 individuals in the period from September 2022 to September 2023. These incidents reflect a pattern of hate crimes due to the victims' religious minority identity. In fact, the Human Rights Committee, in its concluding observations on India's fourth periodic report under the ICCPR, expressed its concern about attacks by cow vigilantes, and called upon India to consider adopting national legislation to outlaw violence and lynching by cow vigilantes.

State authorities have consistently failed to prevent, adequately investigate and prosecute such arbitrary deprivations of life by anti-minority extremist groups. As a result, the perpetrators often go unpunished. While police occasionally 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, signalling tolerance for and normalisation of such crimes.

[Continued in "Additional Information"]

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

Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?

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.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? No

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 Islamophobic conspiracy theories surrounding cow slaughter and inter-religious relationships. 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 signalling 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 signalling tolerance of such crimes. Further details of the executions of Muslims in Chhattisgarh, Gujarat, Jharkhand, Uttar Pradesh, Uttarakhand and West Bengal from 4 June 2024 to 28 August 2024 are enclosed in Annexure 1 (excel sheet titled 'Annexure 1 -Hate Crime Deaths').

torture

Perpetrators

Please specify the number of alleged perpetrators: 35

Is the identity/occupation of the alleged perpetrator(s) known? Yes

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

Are they associated with a state institution? Yes

In some of the incidents, perpetrators are members of local cow vigilante groups, which often have affiliations with the BJP. For instance, in the incident on 7 June 2024 in Raipur, Chhattisgarh where 3 Muslim men were killed while transporting buffaloes, the perpetrators were all associated with Hindutva groups, with one of them, Raja Agarwal, being the PR head of BJP Yuva Morcha (BJP Youth Rally). Similarly, in the incidents in Faridabad, Haryana on 24 August 2024 and in Charkhi Dadri Haryana, on 27 August 2024, the alleged perpetrators belong to local cow vigilante groups. As highlighted above, cow vigilante groups in some Indian states 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 the incident on 28 August 2024 in Haridwar, Uttarakhand, the alleged perpetrators were actually members of the Uttarakhand Police's cattle protection squad and the police have admitted that they were patrolling the area at the time. However, the police refused to act against the perpetrators, instead claiming that the victim jumped into the pond to escape the squad. However, the victim's relatives have alleged that the victim's legs were tied and his face had injury marks when his body was taken out of the pond.

Additional information

[Continued from “Case Details”]

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 some of the states indicate the involvement of local cow vigilante groups and members of the Bajrang Dal, a violent Hindutva outfit closely linked with the BJP. Cow vigilante groups in some Indian states 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. As an example, on 31 August 2024, a 72-year-old Muslim man, Ashraf Ali Sayyed Hussain was taunted and severely beaten by Hindu men after being falsely accused of carrying beef on a train. The initial response of the police was to downplay the incident and refuse to register a case. It was only after widespread outrage due to the video going viral that the police registered an FIR, but even then, they only invoked minor sections of the criminal code, resulting in immediate bail for the men arrested. Further outrage prompted the police to invoke more serious provisions of the criminal code, but while bail was cancelled, the men were not rearrested. In another such instance, the police registered a case against Muslim journalists for sharing a post regarding the lynching of a Muslim man in Shamli, Uttar Pradesh in July 2024.

Details of the specific incidents that occurred from 4 June 2024 to 4 September 2024 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.

Annexure 1: Hate Crime Deaths – 4 June 2024 to 31 August 2024

No.	Date	Location	Details of the Incident	Police Response	Sources
1	7 June 2024	Raipur, Chhattisgarh	Three Muslim men who were transporting buffaloes from Uttar Pradesh to Odisha were accosted and lynched by Hindu extremists. While two of the victims (Chand Miya Khan, aged 23 years and Guddu Khan, aged 35 years) were found dead, the third victim (Saddam Qureishi, aged 23 years) succumbed to his injuries ten days later in hospital.	Four people have reportedly been arrested by the police in connection with this case: Navin Singh Thakur, Mayank Sharma, Harsh Mishra and Raja Agarwal. All those arrested are associated with Hindutva groups. Raja Agarwal is the PR head of BJP Yuva Morcha in Mahasamund district.	https://indianexpress.com/article/india/23-year-old-arrested-in-raipur-june-7-lynching-case-say-police-9409263/ https://maktoobmedia.com/india/raipur-lynching-of-three-muslim-men-bjp-yuva-morcha-leader-among-4-arrested/
2	18 June 2024	Aligarh, Uttar Pradesh	A 35-year-old Muslim man (Mohammad Fareed, also known as Aurangzeb) was lynched by a Hindu mob that reportedly suspected him of theft.	The police filed an initial FIR against 10 persons on 18 June regarding the incident, and four persons were arrested. However, on 29 June, an FIR was lodged against the victim and six other Muslim men under allegations of assault with intent to outrage a woman's modesty and dacoity.	https://thewire.in/communalism/aligarh-lynching-muslim-victim-dacoity-charge https://thewire.in/communalism/aligarh-lynching-muslim-victim-dacoity-charge
3	22 June 2024	Anand, Gujarat	A 23-year-old Muslim man (Salman Vohra) was lynched by a mob at a cricket tournament. Witnesses alleged that Muslim players had been heckled by Hindus among the crowd for performing well, and that the victim was assaulted with cricket bats and knives.		https://thewire.in/communalism/gujarat-cricket-match-muslim-lynching-death-hindutva
4	26 June 2024	Kolkata, West Bengal	A 37-year-old Muslim man (Irshad Alam) was tied up and lynched by a mob that accused him of theft. The victim, a TV mechanic, was rescued by police and taken to a hospital, where he succumbed to his injuries.		https://indianexpress.com/article/cities/kolkata/bengal-mob-lynchings-bachha-mobile-chor-compensation-9434426/
5	30 June 2024	Koderma, Jharkhand	A Muslim cleric (Maulana Sahabuddin) was lynched by a mob, reportedly after his bike collided with a woman and caused her minor injuries.		https://thekashmiriyat.co.uk/muslim-cleric-lynched-to-death-in-jharkhand-cm-assures-full-justice/ https://maktoobmedia.com/india/mosque-imam-beaten-to-death-in-jharkhand-family-aazad-mp-demand-action-against-mob-lynching/
6	4 July 2024	Shamli, Uttar Pradesh	A Muslim man (Firoz Qureshi) was beaten to death by a mob that reportedly accused him of theft.	In addition to registering an FIR in the case, the police also filed an FIR against journalists who attempted to share the incident on social media.	https://indianexpress.com/article/cities/delhi/shamli-man-dies-after-scuffle-fir-filed-against-5-including-2-journalists-for-post-claiming-mob-lynching-9439120/ https://sabrangindia.in/fir-filed-by-up-police-against-2-journalists-3-others-for-putting-out-social-media-posts-on-an-incident-of-alleged-mob-lynching-of-a-muslim/
7	7 July 2024	Ranchi, Jharkhand	A 30-year-old Muslim man (Akhtar Ansari) was lynched by a mob that reportedly accused him of stealing a goat.		https://www.siasat.com/jharkhand-man-lynched-on-suspicion-of-goat-theft-police-denies-communal-angle-3058105/
8	7 July 2024	West Bengal	A 50-year-old Muslim man (Azgar Molla) from Phulbari was beaten to death in the Bhangar Bazaar area for his alleged involvement in a theft. He was found dead about 500 metres away from the Bhangar police station.	The police initiated a probe and found that CCTV footage had been partially deleted.	https://www.thehindu.com/news/national/west-bengal/in-yet-another-incident-of-mob-attack-in-bengal-man-dies-after-being-beaten-up-on-suspicion-of-theft-at-bhangar/article68378937.ece
9	27 July 2024	Charkhi Dadri, Haryana	A 22-year-old Bengali Muslim migrant worker (Sabir Malik) was lynched by a Hindu mob that accused him of cooking and consuming beef.	The police made some initial arrests in the case.	https://indianexpress.com/article/india/migrant-worker-west-bengal-lynched-haryana-beef-rumours-9543392/
10	30 July 2024	Pakur, Jharkhand	A 22-year-old Muslim man (Samiul Sheikh) was beaten to death by a mob that accused him of theft. A group of villagers had found the victim wounded and taken him to a hospital, where he was pronounced dead on arrival.		https://www.siasat.com/jharkhand-saimul-sheikh-beaten-to-death-over-phone-theft-3-detained-3071267/
11	24 August 2024	Faridabad, Haryana	A 19-year-old Hindu youth travelling in a car was chased and killed by alleged 'cow vigilantes' who reportedly mistook him for a Muslim cattle smuggler and who had reportedly worked in partnership with the police in the past.	The police have initially arrested 5 men: Anil Kaushik, Varun, Krishna, Adesh, and Saurabh, who are part of a cow	https://www.ndtv.com/india-news/class-12-student-mistaken-for-cow-smuggler-chased-and-shot-dead-in-haryana-6477844

				vigilante group that Anil Kaushik operates.	https://timesofindia.indiatimes.com/city/gurgaon/19-year-old-faridabad-student-mistaken-for-smuggler-chased-shot-dead-by-vigilantes-5-held/articleshow/113012101.cms
12	27 August 2024	Charkhi Dadri, Haryana	A 26-year-old scrap dealer, Sabir, who was a migrant worker from West Bengal was brutally beaten to death by a group of cow vigilantes on suspicion that he had eaten beef. Another person, Asiruddin, who was beaten up at the same time was admitted to the hospital with severe injuries.	The police arrested five men, Abhishek, Mohit, Ravinder, Kamaljit and Sahil, and detained two juveniles in conflict with the law. The perpetrators belonged to a local cow vigilante group.	https://www.thehindu.com/news/national/haryana/haryana-cow-vigilantes-kill-migrant-scrap-dealer-on-suspicion-that-he-ate-beef/article68586248.ece https://theprint.in/india/haryana-police-arrest-7-including-minors-for-killing-muslim-ragpicker-on-suspicion-of-eating-beef/2247210/
13	28 August 2024	Haridwar, Uttarakhand	A 24-year-old Muslim gym trainer (Wasim Qureshi) died after he was reportedly thrown into a pond by members of Uttarakhand Police's cattle protection squad.	Police have admitted that their six-member cattle protection squad was patrolling the area based on information about cow slaughter, but claimed that the victim jumped into the pond to escape the squad. However, the victim's relatives have alleged that the victim's legs were tied and his face had injury marks when his body was taken out of the pond.	https://maktoobmedia.com/india/uttarakhand-muslim-youth-thrown-into-pond-killed-by-cattle-protection-squad-alleges-family-police-deny/

Annexure 2 – Legal Analysis

The incidents described in the submission (Reference: ou8uxol9) 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 state actors in most cases, 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.¹ 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-

¹ 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 the submission (Reference: ou8uxol9) 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.² 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.³

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*⁴, 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, perpetrators have not been held accountable in accordance with the guidelines and investigations into such cases routinely fail to comply with these requirements. In practice, police refuse to file FIRs or register counter-FIRs filed against the victims themselves, investigations by the police are flawed and judicial proceedings vastly delayed, rarely resulting in convictions. Petitions seeking judicial intervention for implementing these guidelines have also been

² 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]

³ 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]

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

dismissed.⁵ The Supreme Court has not taken any steps to address inaction by states and failure by the states to submit reports on action taken as directed by the court.

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 often proceed 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 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.⁶ 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.

⁵ Ankita Ramgopal and Swati Singh, Two Years Since SC Judgment, the Spectre of Mob Violence Continues To Loom Large, The Wire, 19 August 2020, <https://thewire.in/rights/two-years-since-sc-judgment-the-spectre-of-mob-violence-continues-to-loom-large>.

⁶ 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. These have been replicated as sections 196 and 197 respectively of the newly introduced Bharatiya Nyaya Sanhita (BNS) which replaced the Indian Penal Code in 2023. A separate provision on mob lynching has also been introduced under section 117 of the BNS – however, no conviction has been made under this provision as yet.



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