

# Modi government prosecutes anti-CAA protest leaders on bogus terrorism charges

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Amid the COVID-19 pandemic, Narendra Modi and his Hindu supremacist Bharatiya Janata Party (BJP) government have intensified state repression, jailing leaders of the mass protests against the anti-Muslim Citizenship Amendment Act (CAA) and charging them with grave criminal offenses.

The prosecutions are tied to a foul campaign mounted by the Delhi Police—which works under the direct authority of Modi’s chief henchman, Indian Home Minister Amit Shah—to blame “violent” anti-CAA protests for the three-days of rioting that convulsed parts of north-east Delhi in late February. This is a monstrous attempt to turn reality on its head: the riots were incited by BJP leaders and their Hindu right allies and targeted Muslims.

So blatant is the BJP’s campaign of repression, it has been condemned by the Office of the United Nations High Commissioner for Human Rights. In a statement published June 26, a panel of UN experts urged India’s government to immediately release imprisoned anti-CAA protestors. They wrote: “These defenders, many of them students, appear to have been arrested simply because they exercised their right to denounce and protest against the CAA, and their arrest seems clearly designed to send a chilling message to India’s vibrant civil society that criticism of government policies will not be tolerated.”

The UN experts named 11 of those arrested, noting that “one of the most alarming” cases was that of PhD student Safoora Zargar. Zargar, six months pregnant and suffering from Polycystic Ovarian Disease, was jailed for more than two months under conditions of solitary confinement and inadequate medical care/diet. She faces bogus terrorism charges for allegedly inciting the Delhi communal riots, which claimed the lives of 53 people, 38 of them Muslim.

Zargar, alongside millions of people in India, had protested the CAA, a discriminatory law that the BJP government rushed into law in December 2019, in what was but the latest in a series of communal provocations aimed at transforming India into a Hindu *rashtra* or Hindu state, where the Muslim minority will live on sufferance,

The protests, which drew support nationwide and cut

across caste and communal divisions, were particularly spirited in Delhi, India’s capital.

Stunned by the sudden emergence of mass opposition, the BJP government responded with violence. They ordered police to attack peaceful protests, storm university campuses, and conduct mass arrests. This was accompanied by a campaign of vitriolic speeches in which BJP leaders vowed to violently put down “anti-national” protests, including leading chants of “shoot them down.” Incited by such toxic, communal-laden rhetoric, several BJP supporters in Delhi opened fire on anti-CAA protestors.

A student, enraged by the police violence explained why students were protesting: “What did the students do wrong? They were only protesting. .... Do we learn just to run machines? We receive an education to make sure that we know to stand with the one’s who are wronged. I’m not even Muslim but I’ve been on the front lines since day one.”

Despite the repression and threats, the anti-CAA protests continued and intersected with growing worker opposition to the BJP government’s rapacious pro-investor policies, raising the prospect that the struggle to defend democratic rights could come under the leadership of the working class. On January 8 tens of millions of workers joined a one-day all-India general strike, specifically advancing the demand the that CAA be repealed.

It was in this charged political environment that the riots in Delhi erupted, shortly after BJP leader Kapil Mishra, speaking before a mob of his Hindu nationalist supporters in northeast Delhi, gave police an ultimatum to clear the streets of anti-CAA protests who he claimed “want Delhi on fire.”

There is much evidence that the Delhi police facilitated the anti-Muslim attacks, by failing to intervene and in some cases joining in.

While Muslims were clearly the victims, the Modi government was quick to blame the “violent” anti-CAA agitation for Delhi’s worst communal violence since the 1984 anti-Sikh pogrom that Congress Party leaders orchestrated following the assassination of Prime Minister

Indira Gandhi.

While the clear calls for violence advanced by BJP leaders like Mishra were ignored, the police set about arresting Muslims. In February, according to *The Hindu*, over 800 people, mostly Muslim social activists and university students, were arrested.

While the outbreak of the COVID-19 pandemic appears to have temporarily halted the campaign of arrests, it resumed in April. Safoora Zargar was arrested on April 10 by the Delhi Police on charges of “obstructing traffic” during the anti-CAA protests, but as her prosecution reveals, the real reason for her arrest was her leading role as media coordinator for the Jamia (Millia Islamia University) Coordination Committee, a student group formed to challenge the CAA.

Zargar was soon released on bail, but re-arrested again less than three days later and charged with terrorism offenses under the Unlawful Activities Prevention Act (UAPA).

Enacted in 1967, the UAPA has been amended multiple times, so as to further strengthen the arbitrary powers of the state and limit the rights of the accused. It sanctions “preventive arrests”—that is arrest and detention without charge—and sets aside such core democratic judicial principles as “innocent until proven guilty.” The latest amendment, made in 2019, gives the state the power to designate individuals, as opposed to organizations, as “terrorists.” For decades the UAPA has been used to jail political opponents of the Indian governments.

After weeks of delay, the prosecution was obliged to outline the reason for Zargar’s second arrest and the laying of bogus terrorism charges against her at a bail hearing before the Patalia Court of Delhi. The prosecution alleged that she made a speech on February 23 in a park called Chand Bagh which immediately led to violence. Her defense pointed out that she was never at the park on this date.

The prosecution argued Zargar should be denied bail, claiming they had sufficient evidence to prove her supposed role in violence. The “evidence” included materials such as glass bottles, a plastic crate containing brick and stones, and three slingshots. The police attributed these items to Zargar, despite the fact that the materials were sourced from a case file that was different from hers. In short, the police presented materials without any connection to Zargar as evidence of terrorism. Furthermore they tied her alleged speech, with the alleged materials of violence, supposed witness statements (which were not fully reviewed), and the actions of protestors to block a road together as proof of a “larger conspiracy to disrupt the normal functioning of the city.”

The court sided with the prosecution, denying Zargar’s bail application twice. At the second hearing, Additional

Sessions Judge Dharmender Rana railed against her, saying, “When you choose to play with embers, you cannot blame the wind to have carried the spark a bit too far and spread the fire.” He also claimed, despite the obvious trumped-up character of the terrorism charges that “a larger conspiracy is discernible and a second investigation ... to unravel the entire conspiracy sounds not only logical but perfectly legal.”

In a similar tone the Delhi Police argued against Zargar’s bail, despite her condition as a pregnant woman with a pre-existing illness, writing in a submission to the court that “39 deliveries have taken place in Delhi prisons in the last 10 years.”

For over two months Zargar was confined to Tihar Jail in the midst of COVID-19. Finally, due to a public and growing international outcry over the inhumane treatment of the pregnant and sick Zargar, a High Court conceded on June 23 that she should be released on bail. However, she is confined to Delhi and the police and prosecution continue to insist she was a “key conspirator” in the riots that were in fact fomented by the BJP leaders and their allies.

In another case, the Delhi Police have filed a 700-page report and a chronology of the Feb. 23-26 riots that purports to show that it was anti-CAA protestors who incited the riots. Moreover, it traces this back to the very first anti-CAA protests in Delhi, when demonstrators blocked a road on Dec. 13, claiming that the anti-CAA agitation was intrinsically “violent” throughout. In the police’s version of events, the speech by Mishra and the provocative statements of other BJP leaders are nowhere to be found.

Modi and the BJP, despite recklessly pushing forward in recent weeks with the “reopening” of India’s economy even as the number of COVID-19 cases has exploded to more than 700,000, continue to use “COVID-19 guidelines” as a justification for political repression. When students staged a protest against the jailing of Zargar and other anti-CAA protest leaders, police made mass arrests on the grounds that they were violating social distancing measures.

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