

JOINT PUBLIC STATEMENT

12 September 2025

ASA 20/0287/2025

INDIA: FREE UMAR KHALID - STOP INVOKING COUNTER-TERRORISM LAW TO SILENCE DISSENT

The undersigned organisations call for the immediate and unconditional release of human rights defender and student activist Umar Khalid, who was arrested on 13 September 2020 on politically motivated and spurious charges, including for alleged terrorism-related offences, and who remains in detention without trial five years later.

In December 2019, the Bharatiya Janata Party (BJP)-led government introduced the Citizenship Amendment Act (CAA). The law discriminates on the basis of religion by explicitly excluding Muslims from expedited access to citizenship and from legislative protection against deportation and imprisonment.¹ The passage of the CAA, alongside the proposed National Population Register, prompted nationwide peaceful protests over fears that millions of Muslims could be excluded in their access to citizenship. These concerns were reinforced by the precedent of a similar exercise previously undertaken in Assam under a BJP-led state government.² Khalid had actively voiced his protest against the CAA on X (formerly Twitter) and through his speeches in Delhi, Mumbai and Bihar amongst others.

In February 2020, following legislative assembly elections in Delhi, communal violence erupted in the context of the protests, leaving 53 people dead - 38 of them Muslims - and hundreds injured.³ The Delhi Police failed to conduct effective investigations and bring perpetrators to justice, thereby fostering impunity. Instead, they arrested peaceful protesters, including at least 18 students and activists, the majority of them Muslims, including Khalid. Authorities accused them of instigating violence and conspiring to defame the Indian government.⁴

Khalid was arrested on 13 September 2020 and subsequently charged under the Indian Penal Code (since replaced by Bharatiya Nyaya Sanhita) with offences including sedition, murder, promoting enmity between religious groups, unlawful assembly, and rioting amongst others. He has also been charged under the Unlawful Activities (Prevention) Act (UAPA) for alleged unlawful and terrorist activities and conspiracy, and under the Prevention of Damage to Property Act and the Arms Act. In December 2022, a Delhi court acquitted Khalid in the case involving rioting, property damage, and vandalism.⁵ However, he has remained arbitrarily detained – and continues to be detained in Delhi's Tihar Jail – in connection with the broader conspiracy case under the UAPA, in which eight other activists have also been charged and remain behind bars after having their own bail applications rejected.

The Unlawful Activities (Prevention) Act, with its overbroad definition of “terrorist act” coupled with stringent bail provisions and lengthy investigation, contributes to prolonged, and in many cases, indefinite detention, contravening international human rights law guaranteed the right to liberty, including on presumption of innocence and the right to a fair trial. The legislation is rampantly and selectively used against human rights defenders including journalists, civil society activists and students who remain imprisoned without trial such as Khalid. In 2024, the Financial Action Task Force in India's Mutual Evaluation Report highlighted that the delays in prosecutions under the UAPA are “resulting in a high number of pending cases and accused persons in judicial custody waiting for cases to be tried and concluded.”⁶ The Office of the United Nations High Commissioner for Human Rights and several independent experts of the United Nations Human Rights Council (special

¹ Amnesty International, *India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards* (Press Release, 14 January 2024), <https://www.amnesty.org/en/latest/news/2024/03/india-citizenship-amendment-act-is-a-blow-to-indian-constitutional-values-and-international-standards/>

² Amnesty International India, *Designed to exclude – How India's courts are allowing foreigners tribunals to render people stateless in Assam*, (November 2019), https://www.amnesty.be/IMG/pdf/rapport_inde.pdf

³ Ayan Sharma, “‘This is Hindu awakening’: What exactly happened in North East Delhi over the past two days”, *NewsLaundry*, 25 February 2020, <https://www.newslaundry.com/2020/02/25/this-is-hindu-awakening-what-exactly-happened-in-north-east-delhi-over-the-past-two-days/>; “Delhi Riots Death Toll at 53, Here Are the Names of the Victims”, *The Wire*, 6 March 2020, <https://thewire.in/communalism/delhi-riots-identities-deceased-confirmed>

⁴ Betwa Sharma, “4 Years & 3 Months In Jail & After SC Repeats That Jail Is The Exception, Umar Khalid Makes Fourth Appeal For Bail”, *Article 14*, 11 December 2024, <https://tribe.article-14.com/post/4-years-3-months-in-jail-after-sc-repeats-that-jail-is-the-exception-umar-khalid-makes-fourth-appeal-for-bail-675902ada6288>

⁵ “Delhi riots: Court acquits Umar Khalid in stone pelting, torching case”, *The Statesman*, 3 December 2022, <https://www.thestatesman.com/india/delhi-riots-court-acquits-umar-khalid-in-stone-pelting-torching-case-1503136070.html>

⁶ Amnesty International, *India: FATF raps government on the risk to abuse that non-profits face*, (Press release, 19 September 2024), <https://www.amnesty.org/en/latest/news/2024/09/india-fatf-raps-government-on-the-risk-to-abuse-that-non-profits-face/>

procedures) have consistently raised concerns about the vague and overly broad provisions of the UAPA and its use to criminalise legitimate human rights work in India.⁷ They have repeatedly called on the Government of India to end the use of the UAPA to curtail human rights and fundamental freedoms. Amnesty International has also echoed these concerns, noting the poor conviction rate under the UAPA and the prolonged detentions, which illustrate how the process itself has become a form of punishment, and has therefore called for its repeal. However, the Indian authorities have not responded to these calls.⁸

In Khalid's case, the prosecution has primarily rested the invocation of India's counter-terrorism law on his speech in the Amravati town of Maharashtra state in India on 17 February 2020 that referred to phrases like 'inquilabi salam' (revolutionary salute) and 'krantikari istiqbal' (revolutionary welcome).⁹ While referring to these phrases, Khalid praised the attendees of the event for daring to peacefully dissent against the discriminatory law in the prevailing political context. This did not constitute incitement to violence in any way and instead showed Khalid exercising his right to freedom of expression and of peaceful assembly.¹⁰

However, over the past five years, his bail applications have been denied at least four times by trial and appellate courts, most recently on 2 September 2025.¹¹ His petition before the Supreme Court of India was adjourned at least 14 times in eleven months due to requests for adjournment by the state, scheduling delays, and judicial recusals, ultimately leading Khalid to withdraw his petition.¹² In the latest order denying bail, the Delhi High Court described five years of his pre-trial detention as the "natural pace" of proceedings, despite the fact that the trial has yet to begin and the evidence has not been substantively examined.¹³ The Court further characterized Khalid's speeches, mere membership in WhatsApp groups and his role in mobilising protests as part of a "well-orchestrated conspiracy" without demonstrating substantial links to the incitement of violence. These repeated bail denials combined with persistent delays, and the continued absence of trial proceedings, amount to a violation of his right to a fair trial, including speedy trial, guaranteed under the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party, as well as under the Constitution of India.

We are further concerned about the discriminatory application of bail standards in cases arising from the violence surrounding the CAA protests and more broadly in cases involving the UAPA. While similarly situated accused have been granted bail, Khalid continues to be denied relief. Such unequal treatment violates the principle of equality before the law and sets a deeply troubling precedent.¹⁴

Independent investigations, including by Amnesty International India, Human Rights Watch and Delhi Minorities Commission, have documented the role of the Delhi Police in human rights violations during the CAA protests and the ensuing violence.¹⁵

⁷ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; and the Special Rapporteur on freedom of religion or belief, (OL IND 7/20), 6 May 2020, pg. 4, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25219>; Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, (OL IND 10/2023), 31 October 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28593>; OHCHR, *India: Terrorism charges are pretext to silence human rights defenders, say UN experts*, 5 October 2018, <https://www.ohchr.org/en/press-releases/2018/10/india-terrorism-charges-are-pretext-silence-human-rights-defenders-say-un>

⁸ Amnesty International, *India: Weaponizing Counterterrorism: India's exploitation of terrorism financing assessments to target the civil society* (Index Number: ASA 20/7222/2023), <https://www.amnesty.org/en/documents/asa20/7222/2023/en/>

⁹ Awstika Das, "Supreme Court To Hear Umar Khalid's Bail Plea In Delhi Riots Larger Conspiracy Case After Two Weeks", *LiveLaw*, 18 August 2023, <https://www.livelaw.in/top-stories/supreme-court-bail-umar-khalid-delhi-riots-larger-conspiracy-case-235521>

¹⁰ Vidarbha Khabarnama, "Umar Khalid Amravati speech dupty ground Amravati organized by Sarkar Group Amravati", *Youtube*, 20 February 2020, <https://www.youtube.com/watch?v=9tpM9-lpOk&t=479s>

¹¹ Nupur Thapliyal, "Delhi Riots: High Court Denies Bail To Umar Khalid, Sharjeel Imam And 7 Others In UAPA Case", *LiveLaw*, 2 September 2025, <https://www.livelaw.in/high-court/delhi-high-court/umar-khalid-sharjeel-imam-bail-delhi-riots-conspiracy-uapa-302683>

¹² "Umar Khalid's Bail Application Tracker", *Supreme Court Observer*, 4 September 2025, <https://www.scobserver.in/journal/umar-khalid-bail-application-tracker/>

¹³ *Sharjeel Imam v. State (Government of NCT Delhi)* (CRL.A. 184/2022); *Umar Khalid and others v. State (Government of NCT Delhi)* (CRL.A. 631/2024); *Athar Khan v. State of NCT of Delhi* (CRL.A. 677/2022); *Abdul Khalid Saifi @Khalid Saifi v. State* (CRL.A. 210/2022 & CRL.M.A.12338/2023, CRL.M.A.13472/2023); *Mohd. Saleem Khan v. State (Govt. of NCT of Delhi)* (CRL.A. 233/2022 & CRL.M.A. 29808/2023, CRL.M.(BAIL) 620/2022), *Shifa ur Rehman v. State of National Capital Territory PS Crime Branch Being Investigated by Special Cell* (CRL.A. 271/2022); *Meeran Haider (Through Pairokar) v. State Govt. of NCT of Delhi* (CRL.A. 1149/2024); *Gulfisha Fatima v. State Govt. of NCT Delhi* (CRL.A. 211/2022 & CRL.M.A. 13479/2023); *Shadab Ahmed v. State of NCT of Delhi* (CRL.A. 600/2022), High Court of Delhi, https://www.livelaw.in/pdf_upload/61602092025crla1842022182008-618627.pdf

¹⁴ "Four Years Without Bail or Trial: Umar Khalid Remains in Jail", *News Today Live*, 15 September 2024, <https://www.newstodaylive.com/four-years-without-bail-or-trial-umar-khalid-remains-in-jail/>; Radhika Roy & Akshita Saxena, "Supreme Court Issues Notice On Delhi Police Appeal Against Bail Granted To Student Activists In Riots Case; Says HC Judgment Shall Not Be Treated As Precedent In Meantime", *LiveLaw*, 18 June 2021, <https://www.livelaw.in/top-stories/supreme-court-delhi-riots-case-devangana-kalita-natasha-narwal-and-asif-iqbal-tanha-175904>

¹⁵ Amnesty International India, *India: Six months since Delhi riots, Delhi police continue to enjoy impunity despite evidence of human rights violations*, 28 August 2020, <https://www.amnesty.org.uk/files/2020-08/Delhi%20Report%20Amnesty%20International%20India.pdf>; Human Rights Watch, *India: End Bias in*

Police officers were recorded engaging in beatings, torture and other ill-treatment, and arbitrary arrests, and in some cases standing by as mobs attacked protesters. Courts in India have repeatedly criticised the quality of the police investigations, describing them as “very poor,” “callous,” and “fraught with multiple flaws,” and have noted instances of fabricated cases and manipulated records.¹⁶ At the same time, senior political leaders employed inflammatory hate speech, branding protesters as “traitors” or “anti-national” and openly incited violence.¹⁷ Despite the existence of video and documentary evidence, no meaningful accountability measures have been taken against implicated political figures or police officials.

Khalid’s detention is not an isolated case; it is emblematic of a broader pattern of repression faced by those who dare to exercise their rights to freedom of expression and association. Other students and human rights activists, including Gulfisha Fatima, Sharjeel Imam, Khalid Saifi, Shifa-ur-Rehman and Meeran Haider, also remain in detention for their peaceful opposition to the CAA, while police officials and political leaders responsible for incitement or complicity in violence continue to enjoy impunity. This selective prosecution erodes public trust in the justice system, entrenches impunity for state actors, and criminalises free expression.

Therefore, we urge the Government of India to:

- Immediately and unconditionally release Umar Khalid and all others detained solely for exercising their rights to peaceful assembly and freedom of expression;
- Ensure equality in the application of bail standards and end the discriminatory treatment of human rights defenders;
- Hold accountable police officials and political leaders against whom there is credible evidence of incitement of and complicity in violence;
- Repeal the UAPA or amend it to bring it into full conformity with international human rights law;
- Respect, protect, and promote the rights to liberty, fair trial, freedom of expression and peaceful assembly.

SIGNED BY:

Amnesty International

CIVICUS: World Alliance for Citizen Participation

FORUM-ASIA

Front Line Defenders

International Commission for Jurists

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Prosecuting Delhi Violence, 15 June 2020, <https://www.hrw.org/news/2020/06/15/india-end-bias-prosecuting-delhi-violence>; Delhi Minorities Commission, *Report of the Fact-Finding Committee on the North-East Delhi Riots of February 2020*, July 2020, https://www.groundxero.in/wp-content/uploads/2020/07/Delhi_riots_Fact_Finding_2020_compressed.pdf

¹⁶ “Delhi news highlights: Probe standard ‘very poor’ in large number of NE Delhi riot cases, says court”, *Indian Express*, 30 August 2021, <https://indianexpress.com/article/cities/delhi/delhi-live-updates-delhi-schools-reopening-airport-covid-cases-7474779/>; Arnabjit Sur, “Delhi riots case: Court slams cops for ‘callous, flawed’ probe, acquits 3 accused”, *Hindustan Times*, 19 August 2025, <https://www.hindustantimes.com/cities/delhi-news/delhi-riots-case-court-slams-cops-for-callous-flawed-probe-acquits-3-accused-101755541015055.html>; Nupur Thapliyal, “Delhi Riots: High Court Denies Bail To Umar Khalid, Sharjeel Imam And 7 Others In UAPA Case”, *LiveLaw*, 2 September 2025, <https://www.livelaw.in/high-court/delhi-high-court/umar-khalid-sharjeel-imam-bail-delhi-riots-conspiracy-uapa-302683>

¹⁷ Human Rights Watch, *India: End Bias in Prosecuting Delhi Violence*, 15 June 2020, <https://www.hrw.org/news/2020/06/15/india-end-bias-prosecuting-delhi-violence>